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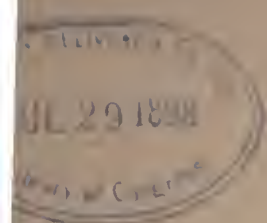


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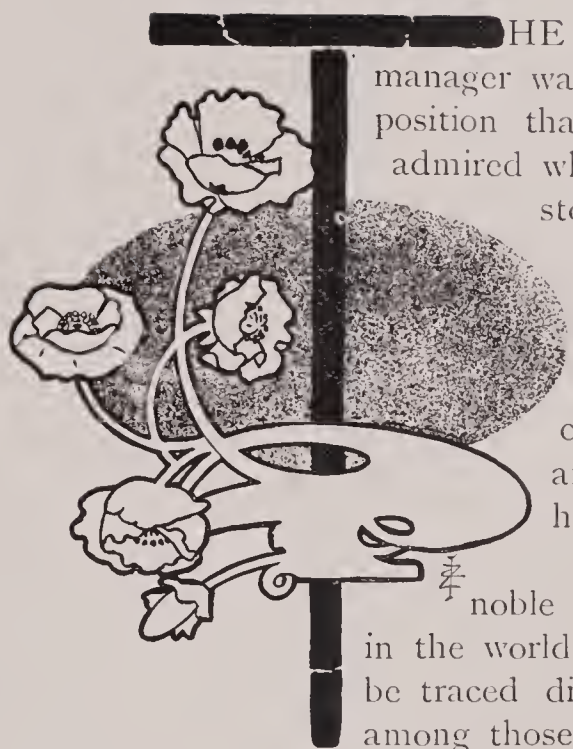
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1898!



A. D. Newman

JOHN H. DEVEREUX,

CLEVELAND, OHIO.



THE reputation achieved by the late John H. Devereux as a railroad manager was national; and yet it was not alone because he stood in a high position that he was widely recognized the country over, and honored and admired wherever known. Much of his fame arose from the fact that as he stood in a great light before the public gaze, no flaw or blemish was found upon him. He carried to his labors a noble manhood and exalted Christian character that manifested themselves through his works and became a source of public benefit. He proved to the world that one could command the highest success in a business career and at the same time be true to himself, his Christian principles and those whose interests had been lodged in his hands. A life like his is, indeed, well worth looking into.

Nature and ancestry combined to give General Devereux a noble mental and physical equipment for the work he was destined to do in the world. He came of the best New England stock, and his family line can be traced directly to the Norman conquerors of England. His ancestors were among those who, in 1684, purchased the town of Marblehead, Massachusetts, from the Indians. His father was Captain John Devereux, of the merchant marine. He was born in Boston, on April 5, 1832, and early gave promise of a hardy independence of character, added to an upright mind and a brain of unusual quality. He received a thorough education at the Portsmouth (New Hampshire) Academy, and as early as 1848, when but sixteen years of age, came to Cleveland, then considered in the far west, to test the powers of his own resources, and to make his way in the world. His courage, energy and ambition were beyond his years, but even then he never undertook a task without seeing that all its requirements were fulfilled; and no responsibility that was laid upon him was ever neglected or betrayed. He commenced life at the lower grade of the profession in which he was afterward to command such success, and on the very line which he was afterward to control as president, engaging as construction engineer on the Cleveland, Columbus & Cincinnati Railroad. His labor was of the thorough kind and his advance certain. On the completion of the line he obtained similar employment on the Cleveland, Painesville & Ashtabula Railroad, which was then seeking to give Cleveland an outlet toward the east. He earned and received the warmest commendation from those who had been his official superiors, and on his departure from the Columbus line we find its superintendent, Amasa Stone, writing of him: "He has performed his duties to the entire satisfaction of all parties with whom he has been connected; at this time I consider him entirely competent to take charge of a piece of road as division engineer, and with some more experience no doubt he will be fully qualified to take charge of the construction of a road." William Case, president of the Cleveland & Erie road, wrote to him as early as 1853: "It gives me the greatest pleasure to bear testimony to the energy, fidelity and correct manner with which you have discharged every duty assigned to you in the field or office, and to recommend in the strongest terms your services as engineer and draftsman to any company desiring such assistance, fully believing they will be as satisfactory to others as they have been to our company, and to the Cleveland, Columbus & Cincinnati Company previous to your engagement with us."

These extracts are simply made for the purpose of showing that General Devereux's success in life was not the outcome of accident or the result of a combination of circumstances, but that he

laid the foundation thereof in early manhood, and built in character as well as reputation with every year that passed. He was only twenty-one years of age, it should be remembered, when the above was written.

In 1852 the young man turned his face toward the south, and for the next nine years was one of the busy and moving railroad spirits in Tennessee. He became division and resident engineer of the Tennessee & Alabama Railroad, which position he held for eight years. He was for a time civil engineer of the city of Nashville. "He was prominently connected with the internal improvements of that state and section," says one appreciative record of his life, "and was referee in important cases as to location and construction. He became the leading spirit of the state and section in railroad affairs, and had determined on residing there the rest of his natural life." But the war-cloud swept across the land, and his hopes and material expectations were swept away with those of many other northern men who had located themselves in the south. His heart was with the Union, and he decided to close up his affairs as rapidly as he could and tender his services to the government. He was compelled to pursue a course of discretion and judgment, as he was a marked man because of the opinions he had not concealed, and his life was more than once in danger. But his purpose



HOME OF MRS. J. H. DEVEREUX.

knew no change, and he finally placed his life and services at the disposal of the country he loved so well. There was a field in which he could do a work of especial value, and he was soon assigned thereto. The faithfulness, energy and far-seeing judgment that were shown by him in the responsible service of managing the government railroad lines that were under his care marked him as a man of no ordinary stamp, and produced results that were of the greatest benefit to the cause he served.

In the early part of 1862 he was directed to make a reconnoissance for a military road in the Shenandoah valley, and when it was completed he received the appointment of superintendent of military railroads in Virginia. Under that authority he had official charge of

all railroads out of Alexandria or connected therewith. It was a difficult task that had been committed to his hands. He found all the railroads of Virginia in a most deplorable condition, but he went to work with characteristic energy and with a wonderful executive ability, and soon reduced chaos to order and regularity. It was in the spring of that year that the forward movements of the federal armies in Virginia called for active operation by the government of all the roads that centered at Alexandria and were connected from that point with Washington. "These lines of railroad," says one record of the war, "were in the most deplorable condition; and in the midst of chaos, and of imperative demands for endless transportation to and from the advancing enemies, General McCallum was suddenly called to the head of the department of railroads, and in turn summoned Colonel Devereux to act as controller and chief of the Virginia lines." No one knew better than himself the giant task that had been laid upon his shoulders, but he accepted it manfully and gave it the best that was within him. In describing this portion of his life and public service we shall draw freely on the record above referred to.

"The work was herculean and its difficulties were well nigh unsurmountable; the constant assaults of the enemy upon the roads being almost equaled in injurious effects by the intolerance and ignorance of federal officers, whose ambition by turns extended to the special ownership and direction of every mile of track and every car and locomotive." No line had ever been drawn between the jurisdiction of the chiefs of the road management, of the war department and of the army; but the unwritten law was none the less exacting, as laid down by quartermasters' and commissaries' departments, by ordnance and hospital departments, by the chiefs in command in the field. Through all this maze of difficulty ran the demands made necessary by the movement of large bodies of troops, of batteries, with pontoons, and the conveyance of the sick and wounded.

"Other difficulties of a minor, but none the less irritating, nature presented themselves. The roads were infested with suspicious characters and peddlers, and the trains swarmed with them, to

the injury of all departments of the service. Colonel Devereux looked the whole matter over carefully, saw what there was to be done and proceeded to do it. He commenced at the beginning of the difficulty and patiently and deftly unwound it day after day. He compelled order and discipline out of disorder and chaos. He filled the reconstructed shops with tools, and the roads with adequate equipments; quietly and patiently but persistently developed the system of military railroad law, and made it harmonize with the regulations of each department. He swept away with a single stroke every peddler, leech and spy and thief from the trains, which now became in reality through trains of government supplies, as the orders required, and which were manned and officered with the most rigid discipline. He organized a corps of inspection and detection which swept away all that was bad or suspicious, and made his eye the chief sentinel of the army, before which everybody and everything had to pass for recognition and approval. With strong practical sense, he avoided as far as possible all clashing between the departments, by fitting the vast machine to all their wants. He developed the resources of the great machine under his control until Alexandria became the center of a great system that worked with celerity, energy and precision. Bridges and roadways might be destroyed, but they were rebuilt on the instant, and the trains went through on time. There was no confusion, no indecision, no delay." To quote farther:

"It was a gallant thing, with Pope's army driven back and scattered in confusion, to bring into Alexandria every car and engine in safety,—in some cases working the cars up the grades by hand, while the ground trembled with the shock of battle. Such work as this he repeatedly performed. It was a noble labor,—that of caring for the sick and wounded,—which was made a part of the military railroad work; and the United States sanitary commission gratefully acknowledged his constant and valuable aid in this direction. No officer stood better with the war secretary (Stanton) nor with the president (Lincoln), and, holding a position which could have been turned into a source of immense personal gain, his integrity was beyond doubt; no man dared to even attempt to bribe him. He directed and moved men and machines by a thorough system, and the result was great smoothness in operation and precision in management. Hence the promptness of movement and immunity from serious accident which marked the workings of these military railroads."

The magnificent work done by General Devereux in this department deserves more detailed and complete description than is possible in the limits here assigned. But it must be said that it was appreciated, not only by the country at large and in a general way, but also by those in authority and competent to know whereof they spoke. From many testimonials in that direction let the following stand for example:

WAR DEPARTMENT, WASHINGTON CITY, March 9, 1864.

DEAR SIR:—I pray you to accept for yourself and Colonel McCallum my thanks for the photographs, received this morning, and the kind sentiments expressed toward myself, which are fully reciprocated. The faithful, energetic and skillful service rendered by Colonel McCallum and yourself in the railroad department is highly esteemed, and has proved eminently useful to the military operations of the government.

Your obedient servant,

EDWIN M. STANTON.

J. H. DEVEREUX, Supt., etc., Alexandria, Virginia.

Many other expressions of a like character might be quoted. He was repeatedly complimented by General Meade for bravery and distinguished services, by General Meigs, General Ingalls and others. He continued in the work until in the spring of 1864, when he saw that the end was drawing near, and then decided to seek a new and more congenial field of usefulness. He tendered his resignation, which was received with sincere regret. Many and earnest were the expressions of grief at his departure; and he carried into private life not only the knowledge that he had done a noble and patriotic service to his country, but also the loyal and undivided affection and respect of not only those who had been above him, but also of those who had been under his command.

He took up anew the real labor of his life, but this time in the more congenial associations of the north, and in a position more befitting his abilities and experience. He came to Cleveland in March, 1864, and accepted the position of general superintendent of the Cleveland & Pittsburg Railroad, which he filled with his usual energy and to the best returns for those whose interests had been placed in his hands. He was soon afterward made vice-president under Mr. McCullough, which office he held until May, 1868, when he resigned to accept the vice-presidency of the old Lake Shore road. His departure was made the occasion of a public testimonial from those who had been under his direction. Fully eight hundred men in the employ of the Cleveland & Pittsburg Company gathered at Wellsville, half way between Pittsburg and Cleveland. General Devereux was present by invitation and was presented with a fine blooded horse and family barouche as a mark of appreciation and esteem. This action was entirely unexpected, but it touched him deeply. The event is

referred to only to show that no matter where he was, or what might be the greatness of his power and position, he ever won and held the esteem of the humblest man under his control.

General Devereux was promoted from vice-president to president of the Lake Shore road, and continued as such until the great consolidation of all the lines between Buffalo and Chicago into the Lake Shore & Michigan Southern. He was then made general manager of the entire line, and had executive control thereof, with all the branches,—a position of immense responsibility and affording an unlimited opportunity for work. During his government the line was very successful, and its reputation among railroads for safety and accommodation to the public, and the prudent and economical management in the interests of the stockholders, stood deservedly high. The reputation of General Devereux as a railroad man had been all this time one of steady growth, and his control of the Lake Shore & Michigan Southern showed that he had no superior in the country. This fact was proved by the many calls that came to him from various directions to take charge of various roads, and finally, in 1873, he decided on a change and accepted the presidency of the Cleveland, Columbus, Cincinnati & Indianapolis,—the road upon which he had commenced railroad life, in a very subordinate capacity, twenty-four years before. It was a part of the same arrangement that he should also accept the presidency of the Atlantic & Great Western Railroad Company, and he assumed the duties of those two important offices about the same time. He was at the same time the president of minor railroad corporations, whose lines formed part of the system of the larger companies under his control. There was work enough ahead even for one whose mind was of so comprehensive a grasp and whose powers of mental labor were so great as his.

The fortunes of the Atlantic & Great Western were at a low ebb at that period. Laboring under the most discouraging odds, he succeeded in putting the line in the best condition under the circumstances; but at the close of the year 1874 it was deemed useless to continue the struggle until a change in its financial condition had been effected. He was accordingly made receiver, and shortly afterward resigned his position as president and director, as incompatible with that of receiver appointed by the courts. His appointment to the place just named was received with satisfaction by all concerned, since they knew that their varied and clashing interests were in safe and honorable hands. This appointment was made in 1874 and remained in force until 1880, when the company was reorganized, under the name of the New York, Pennsylvania & Ohio, of which new corporation he was made president, remaining such until November, 1881.

While connected with the Atlantic & Great Western he took great interest in building the Pittsburg & Lake Erie, which gave an outlet to Pittsburg by way of Youngstown. He remained a trustee and director of that line until his death. He was also director and vice-president of the Pittsburg, McKeesport & Connellsville road, trustee and director of the Dayton & Union, and vice-president of the Cleveland & Mahoning Valley Company. Of a number of his other railroad connections and labors, the following has been written by one who knew and appreciated General Devereux's railroad history at its full value:

"It goes without saying that he was a busy man; but he was never apparently in a hurry, and his deliberate manner of doing business was the secret of his being able to do so much without exhaustion. Acting chiefly in the interest of the Atlantic & Great Western Railway, he took an active part in the project, that had hitherto been a failure, of raising the funds for building a line from Marion to Chicago. The line was built, and is now known as the Chicago & Atlantic. This line, working in connection with the Erie, began to be a menace to the interests of the Vanderbilt system, of which the Cleveland, Columbus, Cincinnati & Indianapolis formed a part. Thus General Devereux found himself serving two interests; and, his sense of justice not allowing him to do so, he resigned his presidency of the New York, Pennsylvania & Ohio, in November, 1881. It was in 1880



CORNER OF DRAWING ROOM, RESIDENCE OF MRS. J. H. DEVEREUX.

that he became president of the Indianapolis & St. Louis Railroad. It was then owned jointly by the Cleveland, Columbus, Cincinnati & Indianapolis and Pennsylvania companies; and upon the principle that what is everybody's is nobody's property, it was a wretched road. In May, 1882, the interest on the road having been defaulted, a foreclosure and sale was ordered; the line passed into the control of the Cleveland, Columbus, Cincinnati & Indianapolis, and was reorganized as the Indianapolis & St. Louis Railway, with General Devereux as president. Under the wise administration of General Devereux and his able corps of lieutenants, the line has been transformed, as if by magic, into one of the best roads in the west."

General Devereux remained at the head of the Cleveland, Columbus, Cincinnati & Indianapolis road until his death, and made it, in its mode of work, its reputation and its results, one of the model railroad lines of the country. It is regretted beyond expression that space will not permit of a review of his labors in that field, nor of such extracts of practical railroad wisdom as might be made from his various annual reports. The honest and high-minded methods of his private life were pursued in all his railroad connections, and his endorsement of any project came to be looked upon as a sure guaranty of its worth and claims on public confidence. He gave the road under his control the best that was within him, and that was no small contribution in these days, when railroading has become not only a practical science, but also a complex financial problem as well. He had been educated for a railroad man, from the taking of a level for a grade, up to the executive control of a great combination of lines, and "in all these positions he had acquitted himself with such ability as, while yet on the sunny side of fifty, to become a leading man in railway circles." There was a widespread appreciation of his ability as a railroad man. When he was placed in charge of the Atlantic & Great Western road, a leading journal stated several general truths when it said:

"It was indeed a fortunate day for this corporation when its fortunes were placed in the care and keeping of General J. H. Devereux. From the day of that identification to the present the road has been growing in public and private confidence and rapidly increasing in prosperity. General Devereux's presence was enough to inspire confidence, and it did. His administration while in command of southern railroads during the rebellion demonstrated the wisdom and sagacity of President Lincoln in placing his trusted friend in that important position."

One reason for General Devereux's success in the management of roads may be found in the fact that he believed they were built and operated for the purpose of serving the public as well as adding to the possessions of their owners. Some rules he once set forth to his conductors and trainmen may contain a hint to other managers who would be pleased to emulate his success: "Treat people," said he, "as if you appreciated and were willing to acknowledge their custom. Try to accommodate and please. In short, act as any good business man would toward his customers." On the occasion of his severing his connection with the New York, Pennsylvania & Ohio Railroad, so high an authority as the *Petroleum World* said of him: "He has well, honorably and successfully filled every place or position, public or private, to which he has been called or assigned, without even the semblance of a stain to tarnish the brilliancy of his record as a soldier, his character as a man, or his career as a railroad official. He has reflected credit from every station in life, and would adorn any position, from the presidency of a railroad to the presidency of the nation."

While the railroad was the main avenue through which the subject of this sketch made himself of use to man, he was many-sided in his relations to the world, and sought in many ways to make his influence felt for good and in the bettering of those about him. He was a friend to religion, to science, to art, and to culture and education in all their best and highest forms. He was a communicant of St. Paul's Episcopal church, of Cleveland, holding at the time of his death, and for a long time previous, the office of senior warden. It would be useless to tell, or rather to attempt to tell, the various ways in which his usefulness was made apparent through his church connection. He was a member of the standing committee for the diocese of Ohio. On one occasion we find him a delegate to the diocesan convention at Columbus; and again a lay delegate to the general convention of his church in 1877, on which occasion the *New York Times* declares that "the tone of that convention was set chiefly by two men,—Bishop Williams, of Connecticut, and General J. H. Devereux, of Ohio,—who insisted that their church should oil its machinery and put itself in closer contact with the American people."

His labors in behalf of the church and its interests were constant, while his generosity flowed forth in a broad and deep stream. He had the rare faculty of carrying his religion into every-day life, even in so difficult a position as the management of a railroad. Less than a year before death called him out of the usefulness of life, he ordered that Sunday work be dispensed with in all departments as far as practicable, and that no freight trains be run except to carry live stock or

perishable freights. That order was looked upon by close observers as an entering wedge which should open the way to a reform in all the lines of Sunday travel and transportation. He was deeply interested in the religious and moral welfare of the men under his control and made every effort within his power for their good. When the railway branch of the Young Men's Christian Association was opened in the union depot at Cleveland, he did everything in his power to advance and encourage it. He was present at its dedication, and took occasion to say that the enterprise could not have anything but a good effect on the men, and he "hoped the time had passed when it was generally considered that there were none but profane and vulgar men connected with railroads. Manly qualities were the standard upon which railroad men should be judged and should esteem each other." He hoped to see the men brought up to a higher standing by the efforts and exertions of those interested in their welfare. He presided at one of the first meetings ever held in a Cleveland church for the benefit of railroad men, and made an address full of fervent and heartfelt endorsement of the subject.

He touched the public life of his adopted city and state in many ways. He was one of the incorporators of the Case School of Applied Science and a warm friend to the objects that institution had in view. He was a member of the Cleveland Humane Society and a liberal contributor thereto.



CORNER OF DRAWING ROOM, RESIDENCE OF MRS. J. H. DEVEREUX.

In 1885 he was elected a member of the Loyal Legion of the United States. He was a member of the committee on invitation and reception at the Garfield funeral. In 1879 he became a life member of the American Association for the Advancement of Science; he belonged to the International Institute for the Preservation of Weights and Measures; was a member of the National Cattle and Horse Growers' Association of the United States; and was for many years a Mason of high degree. He was elected an associate member of the United States Sanitary Commission in 1863, was one of the directors of the Cleveland Bible Society,—in short, it is useless to attempt an enumeration of the many ways by which this large-brained, large-hearted man attempted to do his duty and make

the best use of the powers with which he had been endowed. He was always busy in some direction. Mindful of his old home, we find him on one occasion giving liberally to the little church located there, and on another presenting it with Willard's famous picture, "Yankee Doodle," which he had purchased for the purpose. He was never a "silent partner" in any enterprise to which he gave his heart and hand, but made himself felt and effective by suggestion, by voice and by vote. On one occasion we find him suggesting a convention for the discussion of the questions arising between shipper and carrier, in order that all might be amicably settled and the railroad made to fulfill best the purpose of its creation. He had ideas of his own on subjects to which he had given thought, and they went far below the surface and down into the causes of things. When the Cullom inter-state commerce committee met at St. Louis, in June, 1885, General Devereux was one of the first witnesses summoned, and his ideas and suggestions were listened to with close attention and given great weight. He read a paper to which he had given unusual thought, and that presented the whole case as it never had been presented before. He described the fight that was constantly going on for through business, and stated that rates were ground in a perpetual mill. He was positive that something must be done to check a great and growing evil, or else the railroad interests of the country would go to certain destruction. He warned the committee of the gravity of the situation, and stated among other things that he would favor a law making it a criminal offense to cut rates secretly. At one of the most important railroad meetings ever held in America, attended by the leading managers of the country, and held at Chicago, General Devereux presided, and offered a measure that was adopted, and was regarded everywhere as a long advance step toward the solution of the great problem in which he had taken so deep an interest. It provided for the appointment of a committee "of seven or more experienced

men, who shall carefully consider the existing laws governing, and the practice obtaining, in railroad construction and operation; that whatever change, alteration and protection, under law, is found to be reasonable and requisite, the same shall be set forth in prepared argument, together with all the facts of the situation." The wisdom of this suggestion, and the results that are even yet expected to flow therefrom, although the author of the measure is now powerless to use voice or pen in its aid, are well set forth by the *Railway Age*, which said:

"The importance of the movement contemplated can scarcely be overestimated, and its success would render very substantial service to the country. The plan proposed for awakening attention is comprehensive, and the difficulties to be surmounted are so numerous that it is absolutely necessary that many prominent actors in legislative, official and commercial circles should be enlightened. As matters are drifting now, few if any lines extensively engaged in competitive traffic, and depending upon it for a considerable portion of their net revenue, occupy an impregnable financial position. The nature of some of the most essential reforms can be easily described, but the railway problem of this country, as an entirety, requires more careful consideration than it has ever yet received; and an indispensable prerequisite of the legal action necessary to avert downward tendencies is the enlightenment of a large body of men whose coöperation is desirable and indispensable."

General Devereux was a man of the greatest personal courage, and his influence over men with whom he came in contact was unbounded. An illustration of the manner in which these qualities worked together for the good and safety of Cleveland is thus graphically told in a newspaper account of the great railroad strike of 1877:

"The tension was extreme. The socialists had publicly called a meeting at the park to take steps, in broad daylight and in defiance of all authority, to complete their plans of destruction. The railroad men had no purpose of their own to proceed to plunder and outrage, but unfortunately they had thrown the door open to disobedience to law, and, as is always the case, matters were getting beyond their control. It had been arranged for all the railroad employes to march in procession to the meeting at the park and swell the crowd of malcontents. The Lake Shore men had already turned out.

"The Bee Line men had up to that time remained quiet, when Colonel Devereux received sudden notice that the boys on his line had determined to join the strikers and the procession. He knew the danger if the railroad men should be deluded into the demonstration of support of the socialists, already strong enough to defy law and order. With a man like him, to see was to act. Accompanied only by his private secretary, Mr. J. T. Wann, he proceeded at once to his shops. He found a body of eight hundred men formed ready to march under the instigation of bad counsels. He jumped on a planer and asked to be heard. He was received with hootings, and some of the more headlong cried, 'Kill him! kill him!' For a long time he could get no hearing. Finally a gray-haired leader appealed to the better sentiments of the men to at least listen to President Devereux, who had never deceived them. It was granted unwillingly at first,—after a time with attention, in the end with support and acquiescence. He pointed out the certainty of the excesses to be perpetrated by men with whom they had no real interest, no sort of sympathy. He appealed to them for their own manhood to be calm, to take no part in proceedings sure to bring lasting and bitter regret to them, and to put a stigma on them impossible to wipe out. His character known to all, and the passionate appeal he made to them, daring it in the face of all danger to himself, not only procured from his men the promise to abstain from taking part in the procession, but agreement to continue work in the shops. He was asked if that satisfied him and he replied: 'No; I will not be satisfied till every man, raising his right hand, shall swear in the presence of the just God whom we all revere, that he will not only take no part in incendiary meetings or acts, but will further swear that, on call of the constituted authorities, each and every one will be a special policeman to put down any riot and disorder from whatever source.' Every hand went up; the oath was taken. The Lake Shore boys also kept away, and the procession and meeting at the park failed of its full purpose, and the authorities had time to prepare against further emergencies, and the danger to Cleveland was averted by the courage, devotion and personal influence of one man."

General Devereux's love for his home and the care and solicitude he displayed for wife and children were among his most marked characteristics. He was married, in 1851, to Miss Antoinette C. Kelsey, daughter of Captain L. A. Kelsey, one of the early mayors of Cleveland. Four children were born to them, all of whom, with the wife, are yet living.

The mystery in which God's movements are shrouded before mortal eyes was seldom more strongly shown than in the fact that this noble and useful man was called from all labor at a time when he was of the highest and most certain use. With a mature mind and judgment, an influence

that ran into many high places, an experience that is granted to few, and a pure mind and conscience as guide and balance wheel to his action, he was only on the edge of a great career that should run off into many lines of usefulness. But the end came, and all the hopes and expectations that had been built upon his life came to a standstill. Those who loved him best felt that some great compensation for the loss must lie beyond in the unknown, or else he could not have been taken before the real results of his life had come to fruit.

General Devereux had enjoyed excellent health all his life, his splendid physique and temperate habits standing in his favor amid many toils and grave responsibilities. But in July, 1885, he was suddenly prostrated with what was then supposed to be lumbago. In the fall of that year he went to Europe, and had the advantage of the best medical skill to be found in London. The physician there diagnosed the case, as had those of Cleveland, as some malignant internal disease, with the symptoms pointing to cancer. He returned home in January, no better for the trip and with the shadow of a great danger hanging over him. But he faced it with a brave front, and as death came nearer and nearer to him he showed no fear, but was prepared to calmly accept whatever might befall. His body grew weaker, but the light within still burned with a steady glow. He continued his daily visits to his office until the last Saturday in February, when he was compelled to return to his home and keep his room. He sank gradually, but was still full of cheer and courage for those about him, although he had known long before that there was no shadow of a chance left for life. The end came at 11:05 on the night of March 17, 1886, and with such silence and quiet peace that he seemed to have fallen into a gentle slumber rather than the sleep that knows no waking.

The blow fell with severe weight on those who were nearest to him, and caused a wave of genuine sympathy to flow toward them from all quarters. The loss was not altogether theirs, but of the public as well. His funeral, which was held in St. Paul's church on Saturday, the 20th, was attended by a large concourse of people, among whom were representatives of the various lines of usefulness to which he had given himself, and of societies and enterprises of which he had been a part. The expressions of these same societies and organizations, as voiced in the sometimes formal resolutions of condolence and regret, were genuine and heartfelt, and carried the impression that their authors had left more unsaid than was said, and showed that they had found it difficult to express the full feelings of the heart.

An attempt to describe the mental and moral character of a man like J. H. Devereux is one of difficulty, no matter how much the heart and the pen may desire to do justice, and that alone. His qualities and capacities in a professional sense have been indirectly set forth in what has gone before. He stood in the front rank among railroad men, and every onward step he took was gained by his own application and energy. At a period when railroading was largely experimental and in the control of untrained men, he brought to the business a degree of special culture and information that was of great value in determining the future of railroad management. He was born to command men. "He possesses," wrote one who knew him well, "one marked characteristic in an unprecedented degree. It is a magnetic power over men which wins and commands the esteem of all, of whatever grade or condition. It comes from the impress of manhood in every expression of his face, and stamps him in the estimation of every one he meets as a man of great character and force."

He made his mark on all lines of railway work, being one of the first to realize the ruinous tendency of the fierce railway competition of the last few years, and laboring earnestly to bring about a coöperation which should result in a general system of pooling, by which rates could be properly maintained. As a railroad manager and as a man, he always held the unbounded confidence of the late William H. Vanderbilt, who placed many important trusts in his hands and depended implicitly on his faithfulness and judgment. He long ago saw and detected the difficulties which sooner or later would arise between capital and labor, and used all the power of his position to make strong the fraternal bonds between the two, so that other methods than strikes and violence should be resorted to in settling the questions between the two. In speaking of one phase of his railroad career, the Indianapolis Journal justly said:

"The good works of General Devereux, late president of the Bee Line system, live after him. About a year ago he instructed the heads of all departments to arrange their respective departments to do as little work as possible on the Sabbath day; superintendents were asked to run as few trains as they could consistently; yardmasters were requested to do only yard work which was actually necessary; clerks at offices were instructed to keep their work up in such a manner that they need not be at the office on Sunday, and everything practicable was to be done to bring about a better observance of the Sabbath; and the effort has been fruitful of good results. Agents, clerks and employes have been able to spend much of their time on that day with their families; and train

men, who had previously hardly seen their wives and children on that day,—it having been used for clearing-up day,—have become, under the new rules, acquainted with them; and, best of all, the business of the road has not suffered in the least by the humane act."

He was as thorough and earnest in his church work as in that of every-day life. He was for years superintendent of the mission Sunday school of St. Paul's church; was always in his place at church and Sunday school when at home; was the life of the vestry at its meetings; was helpful and generous, and never showed a desire to find fault. Of his private Christian life, Bishop Rulison said at his burial service: "There are not many men in this charitable city who gave more liberally to charity in proportion to their means. I have heard that he was generous to a fault, and gave more than he was really able to give. I know of men and women in this city who have been helped, they never knew how, but they will know their benefactor when they gather around the great white throne."

Of his personal character much indeed might be said. There was not a touch of false pride about him, and the poor and humble received the same courteous attention that was bestowed on the rich and great. While possessing that natural dignity which is characteristic of the highest type of manhood, he had at the same time an affability and kindness of spirit that won respect and that was altogether free from patronage. He never lost his balance; and no matter how harassed or perplexed he might be, he held himself beyond any exhibition of temper or impatience. St. Paul's vestry voiced the feelings of all who knew him when they said: "We feel that we cannot too strongly express our admiration for the abounding courtesy, the rare nobleness and the exalted Christian character of our departed brother, and our high appreciation of the great service which for many years he rendered his parish and to the general church, by wise counsels, generous gifts, abundant labors and a truly Christian character. Resolved, That we believe our beloved brother to have carried into all the manifold activities and relations of his eventful life a lofty integrity and a chivalrous honor and a Christ-like desire to be considerate and helpful toward every human being."

Modest, brave, generous, true to his convictions and yet just to those who differed; positive, yet gentle and just; seeking to do his duty as one who expected to render an account therefor,—he lived a pure and noble life, and has left a heritage in a good name that is loved by all, and will live in memory long after his mortal frame has been returned to the dust from which it came.

THE COLBY FAMILY.



ANTHONY COLBY'S HOUSE, AMESBURY, MASS.



COLBY ranks with the most ancient of English names.* According to an admirable monograph on the History of the Colby Family, by James W. Colby (Waltham, Massachusetts, 1895), it antedates the Norman conquest. Its probable derivation is from the Danish "Koldby." Centuries before the Normans mastered Britain this name was given to various localities settled by the Danes on the east coast of England. As a family name, Colby, in its primitive form of Colebi, appears in almost the very earliest proprietary records. In 1199 half of the village of Cawstown was owned by one Robert de Colebi and his brothers, Warine and Simon. From that time forward the Colby patronymic appears frequently and prominently in English records.

The Colby family of England was from its origin a most respectable and consequential one. This is evidenced by the antiquity of its heraldic emblem, which uniformly has for its distinctive features three escalops or shells. Sir Thomas Colby, the wealthy baronet, who died in 1729, bore the regulation Colby arms. The Colby family in America, from the ancestral emigrant in early colonial days (1630) down to and including the present generations, has a record in which all future descendants will have reason to feel a just and exalted pride. They have always occupied a front rank among our best American citizens. From its foundation in America, through every successive generation, this family has enjoyed peculiar eminence in the various walks and avocations of life, and a critical and analytical review of its history must inevitably impress the reader with the fact that its representatives have been people of marked strength and individuality of character, and with the further fact that they have possessed certain characteristics which may be termed unique,—certain qualities not often found in the same individual. For instance, they are without exception people of superior business ability; they have the faculty of organizing, developing and carrying forward to success great enterprises; they accumulate wealth easily and rapidly, but it is in the disbursement of their wealth that we find exemplified that broad charity and humanitarianism which are not usually attributes of accumulators. The following records of certain members, though necessarily brief, will undoubtedly substantiate the foregoing statement.

From the interesting researches of James W. Colby it ap-



* BRUNDISH.—The family of Colby were resident here,—John C., who descended in 1559, and Francis C., with Margery, his wife, the daughter of Lord Wentworth, were interred here.—*History of Suffolk County, in British Museum.*

TOWN OF COLBY.—At the survey (Confessor's) Coleby was a berewick and belonged to Cawston (district) until William de



James L. Smith

pears that Anthony Colby, the original American progenitor, was a member of the Colby family of Beccles, in the county of Suffolk, England. This family had for its seat Roos Hall, which is still standing and which is a model of the tasteful and impressive architecture of the sixteenth century. The characters, "T. C., B. C., 1583" (standing for Thomas Colby and Beatrix Colby) are still decipherable on the leaden water-pipes of this venerable mansion. But Thomas Colby, becoming involved in expensive litigations, lost the property, and the Colbys of Beccles disappeared. Anthony, one of the sons of Thomas and Beatrix, came to America with Governor Winthrop's company, in 1630. That he was a man of education and refinement is clearly manifested by his autograph, which is still preserved in the record office at old Salem, Massachusetts, and which is well worthy of reproduction here.



For a brief period Anthony lived in the Boston settlement. He was a thoroughgoing Puritan. His name appears on the record of the Boston First Church. One of his children was baptized by the famous Rev. John Cotton, who arrived in 1633. From Boston Anthony removed to Cambridge and Ipswich, and, again changing his abode, he became one of the founders of Amesbury. There he built the celebrated "Old Colby House," which, slightly remodeled, stands to this day, owned and occupied by a Colby family directly descended from him. A view of the old house appears in connection with the initial letter of this review. Dying in 1661, Anthony Colby left an estate valued at three hundred and fifty-nine pounds,—a very considerable accumulation for a Puritan pioneer. Thus the progenitor of the family illustrated in a noticeable manner several of the dominating characteristics which have always distinguished the Colby stock,—piety, enterprise and thrift. That he had also an aptitude for affairs is indicated by the circumstance that his fellow citizens selected him to take charge of the town government.

The descendants of Anthony Colby, spreading through New England and afterward over the country, have been prominent in all stations of life during every period of American history. No attempt can be here made to do proper justice to the general subject of the family history. Mention should not, however, fail to be made of the eminent Governor Anthony Colby, of New Hampshire. He was born in New London, New Hampshire, November 13, 1792, being the second son of Joseph Colby, who removed to New Hampshire from Massachusetts. Governor Colby was one of the most prominent and influential men of his time. He enjoyed great success in business enterprises, owning factories and becoming president of a railroad company. He was a man of large activities aside from those of commercial and political import. He took a warm interest in educational and religious concerns; for a long time he was a trustee of Dartmouth College, and the concluding work of his life was the endowment of an educational institution in his native town of New London, which institution is now known as Colby Academy. Besides serving as governor of the state (1846), he occupied the honorable position of major-general of militia. Governor Colby was the intimate personal friend of Daniel Webster and other eminent men of the day. He lived to a ripe old age, his death occurring on the 13th of July, 1873. His daughter Susan is the wife of James B. Colgate, of New York.

Josiah C. Colby, grandfather of Charles L. Colby, was a successful shipbuilder and merchant in Bowdoinham, Maine; but during the war of 1812 he was financially ruined, in consequence of the depreciation of shipping that was kept in port by the embargo and of the capture of several vessels by privateers. He never recovered from the blow. His young wife, a woman of singular energy and independence for that period, courageously set to work to provide for the support of their children.

Under such disadvantageous conditions Gardner Colby began life. He was born on the 3d of September, 1809. After his father's death his mother engaged in trade on a modest scale,—first in Bath and afterward in Waterville, Maine. In his eighth year Gardner began to contribute to the slender means of the family, obtaining employment in a potash manufactory in Waterville. Here he was required to perform very arduous and exhausting labors, but his fidelity and energy were as clearly in evidence at this time as when, in later years, he held in his keeping the destinies of

Burgh severed it by grantings. Half of this, in 1199, Robert de Colebi held, with his two brothers, Warine de Colebi and Simon. The Colby's manor here, called Olstead Hall, descended in that family from Robert de Colebi to Hugh de Colebi and Margaret, his wife, daughter of William Frank, of Felmingham, and from them to their son, Henry de Coleby, who had a charter for freewarren.

INGWORTH.—In 1285 Edward I. granted to Henry de Coleby a charter for freewarren in all his lands here and in Colby. Then John owned it. In 1351 John was a knight. In 1352 Ralf de Coleby, brother to John, left him an estate in Ingworth. In 1365 Sir John sold to George Feldbridge this as well as the estate left to him by Ralf; thence it passed to the Windhams, who now own it. (1805).—*Bloomfield History of Norfolk, Volume VI, page 423.*

SWARDESTON OR COLBY MANOR belonged to Ordinc, a Dane, one of the Confessor's noblemen. It was given by the Confessor to Ralph de Beaufoy. In 1392 it belonged to John de Colby, and still bears that name.—*Bloomfield's Norfolk, Volume II, page 50.*

affairs of great scope and importance. Mrs. Colby, with all her efforts and economy, was unable to derive an adequate income from her Waterville store, and she decided to remove to Boston; but her meager means compelled her to place her children in different families until she should be able to gather them together again in a home of her own. In an autobiographical sketch, which is still treasured in the Colby family, she writes pathetically of her parting from Gardner: "Before letting him go," she says, "I took him alone. We knelt down, and with my hand upon his head I committed him to the God of the fatherless and the widow. I had been weighing the probabilities as to how long it would be before I could reasonably expect to see my child. It did not seem possible that, even if I were prospered, I should be able to take him to myself for years to come."

Happily the separation did not continue for much more than a year, for in Boston, and afterward in Charlestown, whither she went soon, her efforts were attended with better success. The boy Gardner obtained employment in a grocery in Charlestown, receiving clothing and board for his work. For a brief interval he attended school, but having been deprived almost entirely of educational opportunities in earlier years, he was so far behind other youths of his age that he labored under great difficulties, and accordingly, at the age of fourteen years, he had to give up his studies. In his seventeenth year his mother managed to send him for a while to a private boarding school in Northborough. Here he remained about six months, acquiring some of the rudiments of book knowledge. Returning to Charlestown, he secured a position in a dry-goods establishment. Upon attaining his legal majority, having in the meanwhile saved about one hundred and fifty dollars from his earnings, he added to that amount a small sum advanced by his mother, and engaged in business for himself. At the end of the first year he had paid all expenses and cleared a profit of about four thousand dollars.

Upon such foundations Gardner Colby gradually built one of the largest and most profitable mercantile houses in the city of Boston. In 1850, having some time previously retired with a handsome fortune, he purchased a half interest in the Maverick mills, at Dedham. Experiencing uninterrupted prosperity, he devoted himself to his new interests until 1863, when he again retired. He now turned his attention and energies to the care of his investments in manufacturing, mining, railroads and real estate; also giving some attention to the shipping business, in association with his son, Charles L., who had embarked in that line in New York. About the year 1869 he became particularly interested in Wisconsin railroad property, and his investments in that quarter led to the organization of the Wisconsin Central Company, of which he became president. The responsibilities and anxieties attending his identification with this enterprise, and his solicitude for the welfare of friends who had joined him in it, preyed much upon his mind and finally shattered his health. He died at his home in Newton, Massachusetts, on the 2d of April, 1879.

From the outset of his career Gardner Colby made it a guiding principle and practice of his life to utilize worldly gains, with liberality but intelligent discrimination, for good causes and works. In his youth he became deeply imbued with religious emotion and faith, and to the end of his days he was a devout Christian, applying his religious spirit to practical concerns, and abundantly applying his wealth, experience and sound judgment for the advancement of religious interests that he held dear. His affections were wrapped up in the Baptist church, and of that denomination in this country he was one of the most prominent laymen. The services and benefactions which he rendered it were of incalculable importance and value. For years he was a member of the executive committee of the American Baptist Missionary Union, and a few years before his death he was the largest individual contributor to its funds. His connection with the development of Baptist theological institutions and general collegiate interests conducted under Baptist patronage was of signal importance and serviceability. In 1884 he accepted a responsible position in the management of the Newton (Massachusetts) Theological Institution. At that time the institution was deeply involved in debt, and its entire abandonment was seriously proposed, as the only practical solution of its troubles. But he was determined to rescue it from its unfortunate condition and to put it upon a flourishing footing. For more than twenty-four years he discharged the duties of treasurer, and through his indefatigable efforts subscriptions of fifty thousand, one hundred thousand and two hundred thousand dollars were successively raised. To the second subscription mentioned he personally contributed three thousand dollars, and to the third eighteen thousand. At one time the institution was indebted to him in the large amount of thirty thousand dollars. In 1864 he gave eleven thousand dollars for the new library building, and upon this building the name of Colby Hall was afterward bestowed by the trustees, in recognition of his contributions and services. From 1870 until his death he was president of the board of trustees. Rev. Alvah Hovey, D. D., president of the institution, said of him: "The finances of the school were managed by him with extraordinary skill during almost a quarter of a



Mary Jane Kelly

century. Not a penny was either lost or wasted. Vigilance, promptness, personal supervision, were everywhere manifest. The lands, buildings, investments, students and even the professors seemed to be under the treasurer's eye from September till June. With inexhaustible vigor and hope he sustained the burden that was laid upon him."

While he took special pride in Newton Theological Institution, his work and donations to this school represented only a portion of his activity and splendid generosity in behalf of Baptist educational concerns. In 1864 he presented to Waterville College (Maine) the sum of fifty thousand dollars, contingent upon the raising of one hundred thousand dollars separate and apart from his gift, and upon the proviso that "the president and a majority of the faculty shall be members in good standing of the Baptist church." This was the means of raising the institution to an important rank, and in recognition of his princely benefaction the trustees obtained from the legislature authority to change the name of the college to Colby University. Mr. Colby, in addition, subscribed ten thousand dollars to erect Coburn Hall, and also gave five hundred dollars annually to the library for ten years,—making the total of his donations to the institution seventy-five thousand dollars while he was yet alive, while the provisions of his will increased the total to one hundred and ninety-five thousand. In addition to the various benefactions which he had given during his life, the following is a partial list of those provided for by him in his will: To Newton Theological Institution an additional \$60,000; Brown University, \$50,000; Massachusetts Baptist Charitable Society, \$10,000; the Baldwin Place Home for Little Wanderers, \$10,000; Baptist Missionary Union, \$39,000; Baptist Woman's Missionary Society, \$1,000; Baptist Home Missionary Society, \$50,000; Northern Baptist Educational Society, \$10,000; Baptist State Convention, \$10,000; Home for Aged Men (Boston), \$10,000; Home for Aged Women (Boston), \$10,000; Home for Aged Colored Women, \$5,000; Children's Friend Society, \$5,000; Young Women's Christian Association, \$5,000; Boston Baptist Bethel, \$1,000; Massachusetts Homœopathic Hospital, \$5,000; American Baptist Publishing Society, \$5,000; Worcester Academy, \$5,000; for the erection of a Baptist church at Newton, \$25,000, upon the condition that not less than \$50,000 be raised for the purpose. Besides this aggregate of nearly five hundred thousand dollars his will also provided for many other bequests of charitable nature, as well as for life annuities to many old servants, retainers, etc.

In his benefactions, as in his mercantile and other activities, Gardner Colby was governed by an always alert practical spirit. In bestowing his help he selected ways which would lead to ends of high utility, and in making his contributions he assured himself that they would be of notable and permanent advantage for excellent purposes. It was a characteristic of his larger gifts that they were often provisional,—conditioned upon the well proportioned support of others, according to their ability, and he invariably, and with utmost effectiveness, interested himself to organize such coöperation. Thus the results of his generous enterprises were far reaching, representing the combined interest and assistance of numerous individualities. The aims and principles which he observed in the distribution of his money for goodly ends, and which have been adhered to by his sons, distinguish the Colby family quite as much as success in the accumulation of money has done.

Mary Low Roberts was born in Gloucester, Massachusetts, on the 13th of July, 1813. She became the wife of Gardner Colby on the 1st of June, 1835, and of this union were born four sons and two daughters, of whom all but one survived her, though her son, Charles L., soon followed her into eternal rest. A woman of great strength of character, keen sensibilities, noble aspirations and earnest consecration to religion, she gave her husband ardent coöperation and sympathy in all his endeavors and works, and with him lived an ideal wedded life. At the age of nineteen she was received into the Baptist faith, being publicly immersed in the waters of Gloucester harbor. She was one of the founders of the Woman's Baptist Foreign Missionary Society, was its first president, and throughout her life took a deep interest in its affairs, continuing as its president until she had attained the age of eighty years and upon her retirement being unanimously chosen honorary president, which position she held until her death. In a minute adopted by this society after her death, the following tribute was paid to her enthusiasm and devotion in its behalf: "Every missionary of the society knew that she had a friend in Mrs. Colby, and, indeed, she cherished the same friendly spirit toward all the missionaries of the Union. In presiding at the meetings, both of the board and of the society, she united great dignity with equal grace and courtesy. Her words of farewell to departing missionaries were often most tender and touching, as she spoke to them of the unfailing friendship of Christ, and her prayers at farewell services and at the close of the annual meetings will long be remembered." On her retirement from active service, the society desired to name some one of its institutions for her, and finally decided on the girls' school in Yokohama, Japan, known as the Mary L. Colby Home. From a beautiful little memorial pamphlet issued by the Woman's

Baptist Foreign Missionary Society we take the following record of the death of this noble gentlewoman: "On the 28th of August, 1895, after an illness of only a few moments, Mrs. Colby passed into the presence of the Father. On the last day of summer a group of friends gathered in the beautiful cemetery at Newton and saw her laid tenderly away. It was a simple, quiet ceremony, with nothing of display, but all round this wide world the news of her death brought a quick sense of pain and personal loss. We miss her still; shall always miss her; her place in the board remains her own; her place in the hearts of the women who worked by her side will always be a blessed one; her life was a psalm; her presence a benediction. We speak of the 'hereafter' with hushed voices and a sense of mystery; but is there not a meaning in the word which we need to catch? It is just the *here* after, and it is not difficult to imagine the same joys that were so precious to Mrs. Colby here, brightened and intensified, cleansed from every touch of earth, going on in the glorified existence. There is nothing incongruous in this as we think of this spiritual nature, with all its deep sympathy with Christ, and we write under the name of our friend with reverence: 'Blessed are the pure in heart, for they shall see God.'"

Gardner Roberts Colby, the eldest son of Gardner and Mary Low Colby, was born in Boston, in April, 1837. He received his educational discipline in a private school at Newton, Massachusetts, and at the age of sixteen years he entered a dry-goods jobbing house in Boston, in a clerical capacity. Subsequently he joined his father in business, and eventually became his partner, representing the firm in New York city. In the year 1863 he entered into partnership with Jarvis Slade, under the title of Slade & Colby, and the successor of this firm was that of Harding, Colby & Company, with which he was actively identified until the time of his death.

Gardner R. Colby was married on the 6th of October, 1859, to Martha Louise Hutchins, who, with their three sons, survives him. In 1866 Mr. and Mrs. Colby took up their residence in the beautiful suburban district of East Orange, New Jersey, where he early became prominent in religious affairs and closely identified with all matters pertaining to the welfare of the township in which he lived, as well as with the interests of all the Oranges. In 1874-5 he served as chairman of the township committee, and he was one of the organizers and later president of the New England Society of the Oranges, being prominent in every public movement in that section of the state. In politics he was an ardent Republican and an active worker in the cause of the party. For two years he served on the state committee, and though frequently importuned to accept the nomination for congress, he always refused the honor. In 1886 he was a prominent candidate for governor of the state of New Jersey, receiving next to the highest vote at the Republican state convention.

As a business man Gardner R. Colby was prominently identified with the dry-goods commission interests of New York city. He was cool, shrewd and sagacious and was an excellent judge of human nature. His specific business ability is shown by the fact that he was vice-president of the Ninth National Bank, a director in the Farmers' Loan & Trust Company, a director of the Delaware, Lackawanna & Western Railroad Company, and prominently identified with the Chamber of Commerce of New York city. In behalf of the body last mentioned he undertook the work of presenting to congress the necessity of a general reform in the bankruptcy laws of the United States. He was a trustee of Colby University and of the Newton Theological Institution.

Mr. Colby was possessed of a strong personality and a generous disposition. He was quick to detect fraud and insincerity, but where the object presented was worthy he gave liberally and unostentatiously. The amount of his private benefactions will never be known, as he shunned publicity. Throughout the entire period in which he lived in Orange he was actively identified with the North Orange Baptist church, which he served in the capacity of trustee and deacon, contributing liberally to its support. His sudden death, which occurred on the 20th of June, 1889, was a great shock to all his friends, of whom he had a large number, in religious, business and political circles, and their sincere grief was attested by a great number of personal letters and by many resolutions passed by the associations and corporations with which he had been identified.

Charles Lewis Colby, whose signally prolific and noble life made him a most worthy representative of his honored parents, was the second son of Gardner and Mary Low Colby, and he was born in Roxbury, Massachusetts, now a part of Boston, on the 22d of May, 1839. After a thorough preliminary education he matriculated in Brown University, where, in 1858, at the early age of nineteen, he graduated with the degree of Bachelor of Philosophy. With an inherent predilection for mercantile pursuits, soon after his graduation he took a position in the shipping house of Page, Richardson & Company, in Boston, his salary being placed at the modest figure of seventy-five dollars a year. His aptitude for success in trade was immediately demonstrated, and at the expiration of three years he was offered a partnership in the firm. He preferred, however, to establish

a house of his own, and to remove to New York, believing that there were afforded in the national metropolis better opportunities for the carrying on of the shipping business on a large scale. In association with Captain Albert Dunbar, an old shipmaster who had been employed by Page, Richardson & Company as an expert concerning the capacity, construction and condition of vessels, he embarked, in 1861, upon his new venture in New York, the firm receiving the name of Dunbar & Colby. Their business comprised the building, sailing and general management of ships. They prospered from the start, and soon were sailing vessels to all parts of the world. After the first year Captain Dunbar's health became seriously impaired, and he was never again able to take an active part in the business operations of the firm, his death occurring three years later. Thus, at the age of twenty-three, Mr. Colby was called upon to assume the entire responsibilities and management of a business which, though yet in its infancy, was one of extensive proportions. In addition to ordinary contingencies, there were to be faced circumstances of unprecedented gravity as touching shipping interests, since the war of the Rebellion was then reaching its most formidable stage. But Mr. Colby girded himself for the responsibilities involved, and continued operations with consecutive success. Augmenting the facilities of his concern, he engaged in a general government warehousing business upon a large scale, making a specialty of coffee. After Captain Dunbar's death he formed a copartnership with his brother, Joseph L. Colby, whereupon the title of the firm became C. L. & J. L. Colby. Subsequently E. B. Bartlett was admitted to partnership. Charles L. maintained his identification with the firm until 1874, but owing to the decline of the shipping trade and to his connection with a new and more important enterprise he gradually withdrew from active association with the business which he had established.

In 1870 Mr. Colby's father, who had applied his energies and capital to the development of great railroad projects in the west, urged him to bring his experience, judgment and executive ability to bear in promoting these interests, which had in view the organization and construction of the Wisconsin Central system. Consenting to lend a hand in his father's undertakings, he was at first commissioned to proceed to Europe for the purpose of negotiating securities and selling the bonds. This responsible mission was discharged with signal discretion and ability, and until 1873 he continued to be the representative of the Wisconsin Central interests abroad, although he returned to the United States at intervals. In 1874, finding that his constant personal attention was required in Wisconsin, he sold out his interests in New York and removed to Milwaukee. From that time until 1890 he was the head and front of the Wisconsin Central system, devoting himself and his splendid talents to its upbuilding and extension, and to the general advancement of the material prosperity of Wisconsin and the great northwest.

The difficulties which he encountered in the inauguration of the Wisconsin Central will be realized when the circumstances of the times are remembered. Those were the famous and critical years of the "Alabama claims" excitement, of serious political and commercial unrest, of the Greenback and anti-resumption agitation, and of financial panic and depression at home and abroad. In the west particularly were the conditions disadvantageous to enterprises requiring credit and the financial confidence which credit involves; for the west was aflame with economic doctrines that were regarded with apprehension in the entire financial world. We have seen that Gardner Colby, with all the confidence and calm strength which he had derived from a lifetime of uninterrupted success, felt himself unable to endure the strain. He accordingly retired from the presidency of the Wisconsin Central in 1876; but in thus withdrawing from active management he well knew that he was leaving the interests of himself and all others concerned in hands that would safeguard and administer them with the perfection of tact and skill.

Upon connecting himself with the administration of the Wisconsin Central Charles L. Colby became treasurer of the Phillips & Colby Construction Company, which had been organized to build the road. In an article upon the achievements represented by this work, the Milwaukee Sentinel said: "To those who appreciate, first, the herculean labor and grit required to push the Wisconsin Central through the northern wilderness of the state; second, that the work accomplished was the entering wedge to the present rapid development of the entire upper half of the territory of the commonwealth; third, that thereby the greatest natural resources of Wisconsin were made known and became utilized; fourth, that from this beginning the northern half of the state has been reclaimed from absolute wilderness to equally productive wealth with that of any other region; fifth, that to this beginning alone is due the present stride of railways across and through the long neglected territory that fairly teems with grand riches of forest, mine and field, and that is to be in the near future the most steadily flowing tributary to Milwaukee's commercial greatness,—to them, indeed, there can be but one sentiment in regard to the good accomplished by the long hindered yet finally

successful labors of Charles L. Colby and his immediate associates in the great work of building the Wisconsin Central through the wilderness that was long deemed impregnable."

Under Mr. Colby's managing direction in the construction company, and later as president of the Wisconsin Central,—in which office he succeeded his father in 1877,—every mile of the road and its connecting branches—some eight hundred miles in all—was built. Later he became a member of the executive committee of the Northern Pacific. He resigned all official and executive connection with the Wisconsin Central in 1890. By virtue of executive position he was the chief factor in the projection and construction of the following railway lines: The Milwaukee & Lake Winnebago, the Wisconsin & Minnesota, the St. Croix & Wisconsin, the Penokee Railway, the Chicago, Wisconsin & Minnesota, and the Chicago & Northern Pacific. He also took a prominent part in the building of the Chippewa Falls & Western. Mr. Colby was foremost among the pioneers in the development of mining interests in Wisconsin and the northern peninsula of Michigan. Under his direction, as president of the Penokee & Gogebic Development Company, the famous Colby mine, the first operated in that section, was opened, together with the Tilden mine, which is connected with it.



THE COLBY HOME, NEWTON, MASSACHUSETTS.

The Aurora mine was purchased in an imperfect state and transformed into a paying property. The contribution made to the wealth and general progress of Wisconsin and northern Michigan by the mining industry, in whose creation he was so important a factor, is beyond all estimate. The special attention that he gave to mining was not confined to these regions. He was president of the Spanish-American Mining Company, of Cuba, until May, 1894, when, owing to ill health, he resigned; and after his retirement from the presidency of the Wisconsin Central he engaged in other mining enterprises of great proportions, in coöperation with Colgate Hoyt. This new business association was instituted upon his return to New York, in 1890. Mining investments, while forming only one feature of their joint enterprises, were undertaken on a considerable scale. They developed gold mines in the state of Washington, covering large districts,—notably, the Pride of the Mountains, the Monte Cristo and the Rainy Mining Company's mines. The Everett & Monte Cristo Railway, running from Everett to the mines, was built in this connection. They also owned the Mount Powell silver mines, in Montana.

Various financial projects of magnitude were conceived and successfully carried forward by Messrs. Colby and Hoyt. They organized the American Steel Barge Company, of West Superior,



Chas. L. Colby

Wisconsin, for the purpose of building the peculiar type of vessels popularly designated as "whale-backs." They also established the Northwestern Equipment Company, for furnishing cars in an extensive way to the eastern railway companies. Of both of these companies Mr. Hoyt is president. They acquired large interests in the Puget Sound region,—among others the Puget Sound Pulp & Paper Company, the Puget Sound Nail Company and the Puget Sound Land Company. Another phase of their activities was that of orange culture in Florida, their investments in this quarter being represented by the Orange Lake Fruit Company and the Idlewild Fruit Company.

In 1894 Mr. Colby found it necessary, for the sake of his health, to retire from active business, and accordingly he resigned all the trusts whose duties involved serious labor or attention. He retained until his death many honorable positions, among which may be mentioned directorships in the Farmers' Loan & Trust Company and the Mercantile Bank, of New York city. He was always conspicuously and practically in organized religious, educational and kindred concerns. He was a member of the board of trustees of Colby University, and was connected in a responsible way with the management of other educational institutions. He was president of the New York Baptist Missionary Society from its organization until his resignation of the post, and he served as vice-president of the Baptist Missionary Union. To the Young Men's Christian Association he devoted particularly warm sympathies and tangible aid, presiding at its annual convention in 1886, and being for some time one of the trustees for the New York organization of the body. In 1893 Mr. Colby was honored by his alma mater, Brown University, with the degree of Master of Arts. He was for five years president of the Brown University Club, resigning because of the pressure of his other duties. He was also an honorary member of the American Society of Civil Engineers and of the Phi Beta Kappa fraternity.

Although Mr. Colby consistently cherished strong political preferences and followed the course of events with decided views as to the merits of parties and policies, he only once consented to accept public office. In 1876 he became a member of the legislature of the state of Wisconsin and served one term. He took a conspicuous part in the legislative discussion as to the revival of capital punishment in the state, opposing its readoption on grounds of humanity and advanced reason. A powerful and eloquent speech which he delivered on this question proved to be the determining instrumentality in the defeat of the bill. As a citizen he manifested earnest attachment to the principles of the Republican party. All his early training and associations contributed to this partisan choice. His father cherished conscientious convictions against the institution of slavery, and was at the front among the business men of Boston in heartily sustaining the federal government during the late war. His mother had similar deep convictions, and could not repress her indignation when arguing with apologists for slavery. On various occasions Mr. Colby made vigorous and effective public addresses in advocacy of his political faith. The following extract from a notable speech, delivered in the presidential campaign of 1884, is an example of a very characteristic spirit of his in discussing all public issues,—to appeal to the hearts and emotions, as well as the minds of his auditors:

"My friends, how many of you have at home, standing upon the table or upon the mantel-piece, hung upon the wall, or hid in the secret chambers of your heart, a picture of a Boy in Blue? He was the idol of your heart, the joy of your household, and when he was shot and buried, the light of your home went out forever. You remember the tears that fell upon that letter which brought from the southern battlefield the sad, sad news! But in the darkness, in the depth of your sorrow, there was one ray of light; there was one thrill of joy,—'My boy is dead, but he died for something. Like Lincoln and like Garfield, he died a martyr to duty, to principle! My boy, my hero, you died, but your country lives, redeemed from ruin and disgrace by the precious blood you spilled!'"

The career of Charles L. Colby in its chief characteristics bore a striking resemblance to that of his father. Like Gardner Colby he began his mercantile life in a very humble position, and, relying solely upon his individual abilities and energies, speedily and with uninterrupted success made his way to a position of large influence and wealth. In all his business and financial enterprises and associations he achieved, by force of character and mind, by strict application to the duties for whose discharge he was responsible, and by conscientious devotion to obligations, not only great success, but also enjoyed the absolute confidence and respect of everyone having relations with him. Few men of our times have done as much as did Mr. Colby for the material development of important sections of the country and the creation of large and beneficial industrial interests. At the same time he was a public-spirited citizen in the broadest and best sense, always warmly interested in everything contributing to the general advancement of good government, intelligence and religion.

While a most unostentatious giver, he distributed much of his wealth for worthy purposes and with the same deep appreciation and wise judgment that were characteristic of his father. His was a high appreciation of the true values and responsibilities of life, and he was faithful in all things,—to his convictions, to every duty and to the unerring dictates of conscience. His intellectuality was of high order, and his knowledge of men and affairs comprehensive. Resourceful, resolute of purpose and with unerring judgment, it was but a natural sequence that it should have been his to wield a marked influence upon the great world of finance and industry; but above all stood the gracious personality and true worth of the man, himself,—one who stood for all that represents true nobility of character and value to humanity. Mr. Colby died on the 26th of February, 1896, at Newton, Massachusetts, and the immortal gained a brighter glory when death thus set its seal upon the mortal lips.

In the year 1864 was solemnized the marriage of Charles L. Colby to Anna S. Knowlton, of Brooklyn, New York, she being a representative of a prominent old southern family. They became the parents of three children,—Charles Steven Colby, who died in infancy; Howard Augustus Colby, who was graduated at Princeton University in 1895, and who is now concerned in the management of the many interests of the family estate; and Everett Colby, who is a student in Brown University.

Henry Francis Colby, third son of Gardner and Mary Low Colby, was born in Boston Highlands, Massachusetts, on the 25th of November, 1842. He was three years of age at the time of his parents' removal to Newton, where he secured his preliminary educational discipline. He then entered Brown University, where he completed a four-years course, graduating as a member of the class of 1862. Of an intensely religious nature, and encouraged in his exalted ambitions by his devoted parents, he determined to prepare himself for the ministry of the Baptist church, with which end in view he eventually completed the divinity course in Newton Theological Institution, and was duly ordained. In the meanwhile he had passed a year in foreign travel, visiting Europe, the Holy Land, Constantinople, etc. In 1863 he for a time studied law in the office of Henry W. Payne, his acquirements in this line having had only incidental application in connection with his specific life work. In September, 1867, he removed to Dayton, Ohio, where, though not as yet regularly ordained, he supplied the pulpit of the First Baptist church, which was then without a pastor. After a number of weeks he was called to fill the pulpit of this church regularly, being ordained as its pastor in January, 1868. He has retained this pastoral charge for more than a quarter of a century, and his efforts in the Master's vineyard have been blessed with an overflowing measure of success in both a temporal and spiritual way. With the growth of the city his church gained in membership and importance, ever expanding its field and compassing at all times a goodly work under the zealous and devoted efforts of its pastor. Through the mother church the Linden Avenue Baptist church was colonized, Dr. Colby having been largely instrumental in its organization. Two branch churches are connected with the First Baptist,—these being located at West Dayton and Riverdale and being in charge of associate pastors, who have labored in perfect harmony with Dr. Colby.

In appropriate recognition of his devoted services and distinguished ability, the degree of Doctor of Divinity was conferred upon Dr. Colby a number of years ago. He has been honored with distinguished preferment in connection with the general work of the church, being president of the American Baptist Missionary Union, president of the Baptist Ministers' Aid Society, etc. For many years he has been a trustee, and president of the board, of Dennison University, the well known institution maintained under Baptist auspices at Granville, Ohio. He has served efficiently as president of the American Baptist Missionary Union, vice-president of the Protestant Hospital in Dayton, and is a member of the board of trustees of the Newton Theological Institution. The Doctor has traveled extensively abroad and through the United States and Mexico, and he is recognized as a man of broad information and high scholarship, his life having been consecrated to his noble calling and dominated by that practical judgment which is a characteristic trait of the Colby family.

In May, 1870, Dr. Colby was united in marriage to Miss Mary Lizzie Chamberlin, daughter of Edward Chamberlin, of Boston, and of this union six children were born, namely: Mary Low, wife of Brainard B. Thresher, of Dayton; Frank Gardner; Edward C.; Henry R.; Alfred M.; and Eleanor T.

Joseph Lincoln Colby, fourth son of Gardner and Mary Low Colby, was born in Boston, Massachusetts, on the 24th of February, 1846. After leaving the public schools of Newton he entered the Lawrence Scientific School, at Harvard University, where he gave particular attention to the specific study of chemistry and engineering. At the age of nineteen he went to New York and became an employe of his brother, the late Charles L. Colby, in the warehouse and shipping business,

becoming a member of the firm upon attaining his majority. The business was then carried on under the name of C. L. & J. L. Colby, and the firm opened what are still known as the Harbeck stores. Joseph L. became essentially the manager of the business, and from that time on employed three hundred men, who were directly under his supervision. At the expiration of six years he discontinued this enterprise, and after a brief visit to Europe returned to New York and engaged in mercantile business. This proving unprofitable, he discontinued operations in the line and removed to Milwaukee, Wisconsin, where he again became associated with Charles L. Colby in various large enterprises. He was the pioneer in the development of iron mining on the Gogebic iron range. He opened the Colby mine, the first on the range, and shipped the first ore, becoming one of the largest shippers from the northern peninsula of Michigan. He was also one of the first to become interested in the construction of the celebrated "whaleback" steamers and barges. As a civil engineer, he became convinced of the practicability and profitableness of the construction of this type of vessels, and he induced many of his eastern friends to interest themselves in the enterprise. For several years after the organization of the American Steel Barge Company he was vice-president of the same, though he did not act in a managerial capacity; but devoted his time and attention to the development of iron mines in northern Wisconsin and Michigan and to gold and silver mines in the states of Montana and Washington. In 1894 he endured an attack of typhoid fever, and after becoming convalescent retired from active business and went to Europe, where he remained for some time, after which he returned to New York, where he gives his attention to the supervision of his extensive financial interests.

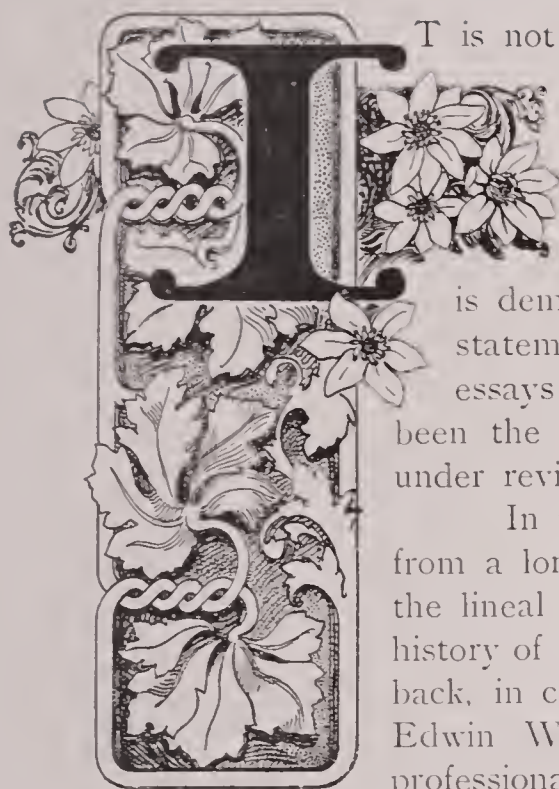
Mr. Colby has always had large business affairs under his control, and at one time was active in the management of seven different corporations whose capital aggregated thirty millions of dollars. Few names are better known than his among the men who have developed and brought to high productiveness the mining wealth of the great west. He has brought his powers to bear in carrying forward enterprises of large scope and importance, but attributes his success to hard work,—implying consecutive application and constant watchfulness. He is a member of the Engineering Club and the Union League, of New York. In politics he is staunchly arrayed in the support of the Republican party and its principles, while his religious faith is that of the Baptist church, in whose affairs he maintains a lively and abiding interest. While in Europe Mr. Colby manifested a deep interest in the history of the family, visiting all points of interest as touching the same. He visited the churchyard in Brundish and carefully inspected the tombstone of Sir John Colby and his wife, Alice, a member of the Wentworth family, buried in 1349.

In the year 1875 was solemnized the marriage of Joseph L. Colby and Miss Mary C. Little, of Newton, Massachusetts, she being the daughter of Rev. George P. Little, a clergyman of the Congregational church. Mr. and Mrs. Colby are the parents of three daughters: Alice, Mary and Julia.

Of the two daughters of Gardner and Mary Low Colby we record that Mary F. became the wife of Arthur C. Walworth, and resides near the old homestead in Newton, Massachusetts; and Georgetta is the wife of Daniel R. Wolfe, a successful manufacturer of St. Louis.

EDWIN WALKER,

CHICAGO, ILLINOIS.



It is not an easy task to delineate adequately the character and labors of a man who has led an eminently active and busy life and who has attained to a position of high relative distinction in the more important and exacting fields of human endeavor. But biography, nevertheless, finds its most perfect justification in the tracing and recording of such a life history. It is, then, with a full appreciation of all that is demanded, and of the painstaking scrutiny that must be accorded each statement, and yet with a feeling of significant satisfaction that the writer essays the task of touching briefly upon the details of such a record as has been the voice of the character of the honored subject whose life now comes under review.

In reverting to the genealogy of our subject we find that he is descended from a long line of sturdy, intelligent and honorable ancestors, and that in both the lineal and collateral branches representatives have been prominent in the history of the nation,—the family identification with the American colonies dating back, in certain instances, to a period antecedent to the war of the Revolution. Edwin Walker, the well known corporation lawyer, is a man of distinguished professional attainments, holding marked prestige at the bar of the nation. No class of American citizens has or will wield a more potent influence upon the advancement and stable prosperity of the nation than the skilled and honorable lawyers,—the conservators of the eternal principles of right and justice. In a compilation of this nature there is peculiar propriety in according distinctive recognition to him whose name initiates this article.

Edwin Walker was born in Genesee county, New York, in the year 1832, being the son of Obadiah and Phœbe (Cushman) Walker, the former of whom was a native of New Hampshire and the latter of Massachusetts,—both representing families notable for mental and physical vigor. The father remained in the old Granite state until about the age of eighteen, when he removed to the central part of the state of New York, where he continued to reside until his death,—a period of nearly three-quarters of a century. He was a man of marked individuality and strong intellectual powers, devoted his active life to agricultural pursuits and was an influential factor in his section of the Empire state. Dominated by the highest principles of integrity and honor, he retained the esteem and confidence of his fellow men, and his life was prolonged to the unusual age of ninety-two years, his death occurring in 1887. Loyalty and patriotism were among his pronounced characteristics, and he gave these distinct evidence by rendering active service in the war of 1812. The mother of the immediate subject of this review died when he was a child of but three years.

Reared on the parental homestead in Genesee county, Edwin Walker was accorded the advantages of as thorough an academic education as the place and period afforded, and at an early age he formulated his plans for the future, turning his attention to that profession in which he has attained such distinctive honors and success. He pursued his technical studies under effective preceptorship at Batavia, New York, and in 1854, at Buffalo, was admitted to the bar of his native state. Soon after his admission he came to the west, locating in the city of Logansport, Indiana, where he was engaged in the practice of his profession until 1865. At the very initiation of his specific career he recognized that the law demanded of its votaries a definite and undivided fealty, and he wisely and



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Edwin Walker

steadily set aside the alluring overtures for his acceptance of political preferment, and by close application and assiduous toil soon attained prominence at the Indiana bar, during his residence in which state he laid well and securely the foundations upon which has been erected the superstructure of his distinguished professional reputation and precedence. In 1860 he was appointed general solicitor of the Cincinnati, Richmond & Logansport Railroad Company. In 1865 this road was extended to Chicago, under the name of the Chicago & Great Eastern Railroad Company, whereupon the general offices of the company were removed to Chicago, of which budding metropolis Mr. Walker thus became a resident. From that early date he has continued in the active practice of his profession in Chicago. In 1870 the Chicago & Great Eastern was merged into and became a part of the Pennsylvania system, Mr. Walker retaining his connections with the legal department until 1883. In 1869 he was appointed general solicitor of the Chicago, Danville & Vincennes Railroad Company, and in 1870 was made the Illinois solicitor of the Chicago, Milwaukee & St. Paul Railroad Company, with which system he has been thus intimately associated for more than a quarter of a century. He is also retained as special counsel for several insurance companies and other important corporations.

Mr. Walker has been so long and prominently connected with railroads, that he is most widely known as a corporation lawyer, and his reputation as such is of the highest order. He has appeared prominently in most of the important railway litigation in our state and federal courts, and his skill and ability are attested by so many reported cases that he has become an authority upon the varied and intricate questions of corporation law. Two railway cases in which Mr. Walker was engaged as counsel are of such prominence as to demand special mention in this connection. The first resulted in the acquisition, by the Chicago, Milwaukee & St. Paul Company, of the Chicago & Pacific Railway. In 1876 the last mentioned company, having defaulted in the payment of interest on bonds, found its affairs had reached a critical standpoint. A bill to foreclose the mortgage and to provide for the appointment of a receiver was filed in the United States circuit court for the northern district of Illinois. It became apparent at once that the other railroad companies desired and would make a strenuous effort to become the owner of the property under the foreclosure proceedings, and among them the Chicago, Milwaukee & St. Paul Company, of which Mr. Walker was then solicitor for Illinois. Under his advice and direction the St. Paul Company purchased about fourteen thousand dollars of the first-mortgage bonds, and, without disclosing the ownership, Mr. Walker became a party to the proceedings by intervention. A decree of foreclosure was entered and, upon his motion, provided for statutory redemption. At the sale under the decree, in the interest of his client, he bid for the property about nine hundred and fifty thousand dollars, but John I. Blair, of New Jersey, was the successful purchaser. Under the decree, and in accordance with the statutes of the state of Illinois, the Chicago & Pacific Company, as defendant, could redeem the property from the sale within one year, upon the payment of the amount bid, together with eight per cent. interest thereon. Within a year Mr. Walker purchased for the St. Paul Company substantially all the capital stock and also all the judgments against the Chicago & Pacific Company. A special meeting of the stockholders was called, and by vote they authorized the lease of the road to the Chicago, Milwaukee & St. Paul Company, and also the execution of a new mortgage to secure a new issue of three millions of bonds upon the property. Mr. Walker had been elected president of the Chicago & Pacific Company, and with money furnished by the St. Paul Company redeemed the property from sale under the decree. The lease was executed, the St. Paul Company entered into possession, completed the road, and now it is one of the principal lines of that system. This figures as the only case of the redemption of a railroad and all its property from sale under foreclosure decree by, or in the name of, the bankrupt defendant company.

The other case to which we wish to make reference was the foreclosure of the mortgage of the Chicago, Danville & Vincennes Railroad Company, of which Mr. Walker was general solicitor. In 1874 the owner of nine of the first-mortgage bonds filed his bill in the circuit court of Will county, and, upon *ex parte* proceedings, had a receiver appointed, and was placed, by order of the court, in possession of the property. The bill made the trustees under the mortgage, as well as the railway company, parties defendant. An act of congress, defining the jurisdiction of the federal courts and providing for the removal of causes from state to federal courts, was passed by congress and was approved on the 3d of March, 1875. Mr. Walker, believing that the cause was removable under this act, prepared a petition, following as closely as possible the provisions of the law. The circuit court of Will county was not then in session, but the petition was filed with the clerk, and a transcript of the record requested. This was immediately prepared and was filed in the office of the clerk of the federal court. A motion to remand was interposed by the plaintiff's counsel, and the motion was heard by the late Hon. Thomas Drummond, who was then circuit judge. After full argument, the

court overruled the motion to remand, and held that the cause was removable under the act of congress, and that the petition and bond followed substantially the requirements of the act. This was probably the first removal under the act of 1875, and Judge Drummond's construction of the act was the first considered by any court; his construction has been recognized as the law under that act until the present date. Subsequently the trustees under the first mortgage filed a bill to foreclose, and upon motion the receiver appointed by the state court was removed and a new receiver appointed under the bill filed in the federal court. A decree of foreclosure was entered in 1876, the property was sold thereunder and was conveyed by the purchasers to the present Chicago & Eastern Illinois Railroad Company. Mr. Walker, as solicitor for the railroad company and the trustees under the second trust deed, appealed from the decree to the supreme court. The supreme court reversed the foreclosure decree of the circuit court and the order of sale under the decree. The Chicago & Eastern Illinois had been in possession of the property for about five years before the decree of reversal was entered. The cause was remanded and the litigation was continued by all parties in interest until 1884, when a compromise was effected between the Chicago & Eastern Illinois Company and the clients of Mr. Walker, and the title of the former to the property thereby perfected. Very many of the railroads of the country were seriously affected by the panic of 1873, resulting in the default in payment of interest on their bonds, and in the foreclosure of mortgages, with eventual reorganization of new companies by the purchasers. In all this litigation the foreclosure case of the Danville Company was a leading case, and the rulings and orders entered in such cause by Judge Drummond were followed generally by other courts throughout the country, and finally sustained on appeals to the supreme court of the United States.

Mr. Walker's ability, skill and tact as a trial lawyer were, perhaps, never more thoroughly demonstrated than in the divorce case of Carter versus Carter, where he was retained as leading counsel for Mr. Carter. His masterly cross-examination of Mrs. Carter, extending over two days, probably did more than anything else to win for his client the verdict of the jury. His manner in the conduct of a case is always cool and self-possessed, very quiet and deliberate, and he conducts the examination of a witness in an easy, conversational tone which usually results in eliciting the truth from the most obstinate witness. Nothing that opposing counsel can say, even though meant to annoy and irritate, can swerve him from the point at issue, and whatever may be the answer of a witness, however evasive or plausible, unless satisfied that it is substantially the truth, Mr. Walker returns to the attack, approaching the witness on an unguarded side, and usually brings forth a correct statement of the facts. In the presentation and argument of his cases before the courts nothing is more remarkable than the wonderfully deep penetration of his intellect, as shown in the masterly way in which he surveys the controversy as a whole, grasps its salient features and marshals all its details in logical order and in one comprehensive review. The clearness and force with which he states a case from his own point of view leaves nothing in doubt, and this very clearness takes the minds of his hearers forward with a persuasiveness which is almost convincing. Not less remarkable is his keen and acute skill in analytical reasoning and in logical argumentation; and of this every one of his oral addresses to the court, and each of his printed arguments in cases on appeal before the courts of last resort, give abundant proof. These qualities have long been conspicuous in Mr. Walker's court work, and have gained for him the very highest standing as a lawyer, not only at the Chicago bar, but in the supreme court of the United States. In the many important railway and other litigations in which he has been concerned, he has sometimes had opposed to him the most eminent corporation lawyers in the country; and all who have encountered him in the arena of forensic debate have had occasion to acknowledge the soundness of his judgment in dealing with large and important interests, and the uniform fairness which has characterized his attitude toward the other side. He never takes unfair advantage of his adversary, and never mistakes personalities or sharp saying for argument, but meets every attempt to apply the *argumentum ad hominem* to himself with a dignified rejoinder, which makes an impression all the more favorable to himself in the mind of the listener. In the words of one of the ablest leaders of thought in the present age: "In controversy his disciplined intellect preserves him from the blundering discourtesy of less educated minds, who, like blunt weapons, tear and hack instead of cutting clean; who mistake the point in argument, waste their strength on trifles, misconceive their adversary, and leave the question more involved than they found it. He may be right or wrong in his opinion, but he is too clear-headed to be unjust; he is simple as he is forceful, and brief as he is decisive." The justice of this characterization as applied to Mr. Walker will at once be recognized by his associates at the bar, since they have many times over had to admire the absolute candor and consideration with which it is his wont to treat them in the utmost heat of legal controversy.

In his arguments before courts and juries Mr. Walker attempts no rhetorical flourishes or oratorical effects, but his language is singularly well chosen and graceful, and though he rarely refers to notes, he always has a remarkable command of his case, and his arguments are interesting even to a nonprofessional listener. In talking to a jury he becomes to a certain extent a thirteenth juror, and reasons with them upon the facts in the case in a plain and effective manner. No man at the Chicago bar has ever enjoyed the confidence of the judges in a greater degree than Mr. Walker, and even jurymen who have never seen him before seem to become impressed with the conviction that his statements of both the law and the evidence are to be relied upon. In general practice Mr. Walker has held at all times a large clientage, being retained by many of the leading railroad companies of the country in special cases, and by many other large corporations. Of his connection with that magnificent triumph of the age, the World's Columbian Exposition, it is incumbent that we speak specifically, since he was not only one of its foremost promoters and efficient workers, aiding materially in securing to Chicago the honor of its location within her borders, but was conspicuously concerned in defining its policies and in handling its interests in the various litigations incidentally encountered.

Probably as complicated a piece of legal and corporate machinery as was ever created, and as comprehensive in the scope of its relations, was the World's Columbian Exposition, which closed its brilliant and successful career late in the year 1893, apparently undisturbed by one of the worst financial panics in the history of America. The marvelous range of its relations, the wonderful diversity of its interests, and the remarkably small number of instances of conflicting powers, through all the mazes of legislation and administration of so vast an enterprise, are not more worthy of consideration and record than is the skill that could so successfully master the great problems and pilot the enterprise through its most dangerous storms to a successful issue. Some of its most trying situations were the result of legal complications,—complications so serious that at one time they threatened to involve the federal and state courts in a conflict over jurisdiction; and for a period of a few days the directors of the exposition found themselves commanded by the state courts to open the gates on Sunday, and at the same time commanded by the federal courts not to open the gates on Sunday. It was in critical situations of this nature that the services of Edwin Walker were confidently relied upon by all connected with the exposition, and throughout the whole period covered by the exposition it required not only his ability as a lawyer, but his tact as a man familiar with the affairs of business and with the management of men, to overcome and avoid the difficulties and legal impediments incidental to so gigantic and unusual an enterprise.

Mr. Walker was one of the early promoters of the exposition, and during its period of organization he took an active part and was elected its temporary president. When the time came for the necessary national laws and the choice of a location for the great undertaking, Mr. Walker was made chairman of the sub-committee on legislation, and had charge of the work in Washington while congress was making its choice. After Chicago was chosen he was made chairman of the committee to draft and frame necessary legislation, and afterward became a director, chairman of its legislative committee, and member of both executive and conference committees. He was at the forefront in all the litigation touching the exposition, guiding its legal matters through with unprecedented finesse and discrimination. His association with this litigation was so intimate and valuable, that it is but consistent that there be reproduced in this connection his own record of the complications encountered and successfully overcome. We therefore quote at length from an article written by Mr. Walker for the bench and bar edition of a work entitled *Industrial Chicago* and published by Goodspeed Brothers in 1896:

Perhaps one of the most important cases in which the exposition was a party, so far as it affected local interests or the interests of the city of Chicago, was the case of Sarah E. Daggett against the city of Chicago, the Art Institute, the World's Columbian Exposition et al. Briefly the substantial facts are as follows: On the 5th day of August, 1890, at the special session of the legislature, an act entitled "An act in relation to the World's Columbian Exposition" was passed and approved. Among other things, the legislature granted to the authorities in charge and management of the exposition the use and occupation of all lands or rights therein of the state of Illinois, whether submerged or otherwise, within the present limits of the city of Chicago, or adjacent thereto, which might be designated and selected by said authorities as the site or sites for holding the exposition. The use and occupation granted were limited to one year after the close of the exposition, and the use of any submerged lands which might be filled or reclaimed under the provisions of the act was to accrue to the city of Chicago and to be forever maintained as a public park. The grant conferred the use and enjoyment of public grounds or parks, and all rights appurtenant thereto, the title to or control over which was vested in the city of Chicago, but required the approval or consent of the city authorities. The law required that all buildings erected upon public grounds or parks should be removed and disposed of by the authorities erecting the same within one year from and after the close of the exposition, "unless otherwise arranged and agreed between the corporate authorities of the city of Chicago and the authorities who erected the same."

On the 15th day of September, 1890, the city council, on the application of the Columbian Exposition, by ordinance, granted the use of Lake Park, commonly called "the lake front," for the purposes of the exposition.

The board of directors of the exposition had created a department known as "the World's Congresses," to be held in the city of Chicago during the term of the exposition, at which subjects of national and international interest were to be considered by representatives sent from all parts of the world, and it became the duty of the authorities of the exposition to provide a suitable building for holding these congresses, the cost being estimated at a sum in excess of two hundred thousand dollars.

It was also considered desirable that a permanent memorial building, commemorating the World's Columbian Exposition, as well as the discovery of America by Christopher Columbus, should be constructed. The Art Institute of Chicago submitted a proposition to join with the exposition and "to aid and assist in the construction of such memorial building, to be permanently maintained as an art institute, the estimated cost of which building to be the sum of six hundred thousand dollars; said building, however, to be used by, and to be under control and management of, said World's Columbian Exposition until the close thereof, and to be devoted to the uses of said World's Congresses and to such other purposes as the board may direct." The board of directors approved and accepted the proposition and appropriated the sum of two hundred thousand dollars in aid of the construction of the Art Institute.

On the 30th of March, 1891, the city of Chicago passed an ordinance giving authority to the Art Institute to erect a permanent building on the lake front at its own cost, "the title and ownership of the building to be vested in the city of Chicago without any compensation being paid or allowed by the city to the World's Columbian Exposition, the Art Institute, or any other person or corporation."

The ordinance provided that "the use and occupation of the building when erected should be vested in the Art Institute and that, as soon as the World's Columbian Exposition should surrender the building, the Art Institute should transfer to the building its museum, library and collection of art, and that the building should be open to the public free of charge on Wednesdays and Saturdays of each week, and on all legal public holidays, and that all teachers and professors of free public schools in the city should be admitted to all the advantages afforded through its museum, library and art collection for study, research and investigation, free of charge."

Prior to this time, Warren Leland and Sarah E. Daggett, owners of property abutting Michigan avenue, filed their bill in the circuit court, on the chancery side thereof, to enjoin the city of Chicago and the Interstate Industrial Exposition and all other persons from constructing any buildings of any character on the lake front, claiming that said lake front had been dedicated to the free use of the public, and that, as owners of property upon the west side of Michigan avenue, they had an easement of an unobstructed view of the lake. On August 3, 1889, a temporary injunction, in accordance with the prayer of the bill, was entered, restraining the city of Chicago and the Interstate Industrial Exposition from erecting or authorizing the construction of any permanent building upon the lake front.

After the execution of the contract between the Art Institute and the Columbian Exposition the old Interstate Industrial Exposition building was removed and upon its site the Art Institute commenced the construction of its present building. After it had expended about one hundred thousand dollars in construction, the original complainant, Sarah E. Daggett (Leland having withdrawn from the case), filed her verified petition, asking that a rule should be entered against the Art Institute and the city of Chicago, as well as the contractors, to show cause why they should not be punished for contempt for entering upon the lake-front premises and constructing the Art Institute. The defendants appeared and filed their answer to the rule. After hearing and full argument, the court, on the 4th day of May, 1892, entered its order adjudging the defendants guilty of contempt, but suspended punishment, but held that unless the defendants desisted from the construction of the building they should be brought before the court for punishment by fine, etc. On the 16th day of June the World's Columbian Exposition filed its petition to be made party co-defendant, claiming the right of possession and authority to construct the building under the act of August 5th and under the ordinance of the city of Chicago. This petition was allowed, and thereupon the exposition filed its answer and entered its motion to modify the injunction so far as to permit the permanent construction of the art building, the institute joining in the motion. The motion was heard by Judges Tuley, Horton, Tuthill and Burrows, sitting en banc—three chancery and one common-law judge. On the 23d of June, 1892, the court sustained the motion and entered an order modifying the injunction in accordance with the prayer of the exposition and the Art Institute. Judge Tuley delivered the opinion of the court. Judges Horton and Burrows concurring, Tuthill dissenting. I quote briefly from the opinion:

"The question arises in regard to the act of 1890, whether the legislature had the power to pass the act in question, and if the legislature had the power to authorize the Columbian Exposition, with the consent of the city of Chicago, to take possession of this Lake Park and use it for the public purposes of such World's Fair and for the purposes expressed in said act, and defendants being in such possession and acting under the authority of the supreme power of the state, should a court of equity interfere with that possession by the issuing of its writ of injunction? * * * We deem the law to be well settled that the legislature has full control over the streets of the city and over all property of a municipality held by it in its governmental capacity, that is, property held, like streets and public parks, in trust for the public at large. * * *

"The question also recurs whether or not the ordinance permitting the Art Institute, through its arrangement with the Columbian Exposition, to erect the art building upon the site of the former Interstate Exposition building, can be justified, or is in conformity to the power conferred by the act of 1890 referred to. * * *

"The intention clearly was that if the city did purchase any buildings so erected, such buildings were to remain in the park for public uses and purposes in connection with said park. It was certainly contemplated that greenhouses, herbariums, buildings for the horticultural exhibitions and art buildings would be erected by the World's Fair Company. Certainly an art building may be said to be a necessary concomitant to the carrying on of the World's Fair.

"Is such a building in a public park a use of such park for public purposes or for park purposes? There can be no doubt of the power of the legislature to declare that this Lake Park should be for the education, as well as for the physical enjoyment and recreation, of the masses of the people. Are not such institutions as art galleries usually found in public places or public parks? Is it reasonable to urge that it is a perversion of the uses of a public park that there should be a building upon it devoted to art purposes, filled with paintings and works of art to delight the souls of the people who visit such parks? Are parks necessarily to be confined to the works of nature? Certainly this is a contracted view of the objects of public parks, and should not prevail. * * *

"It is contended that the Art Institute is not a public corporation, but is organized for private purposes. It is organized as a corporation, not for pecuniary profit; it has no stock. If this ordinance required the art building to be always open to the public, could it be said that it was not a public building for the benefit of the public, although it might be under the management of the Art Institute corporation? Is the ordinance, or is it not, a reasonable exercise of the power of the city council, given by the act of 1890, to obtain for the benefit of the public a building erected by, or under the authority of, the Columbian Exposition? If the city can obtain for the use of the public such a building for two full days each week, and every Sunday afternoon, and every legal holiday, free and clear of all charge to the public, filled with art treasures, and without the expenditure of a dollar by the city, either for the erection of the building or for the paintings and works of art contained therein, and can have the same carried on, kept in repair, controlled and managed without the expenditure of any money on the part of the city, can it be said that such an arrangement does not come within the spirit and scope of the act of 1890? We think not. In our opinion, the art building to be erected may be said to be public in its nature. The public, without cost to itself, obtains large benefits free of charge, controlled and carried on in a manner probably better than the corporation itself could do were it charged with so doing."

The decree entered in the cause sustained the action of the exposition and the Art Institute. The magnificent building upon the lake front now known as the Art Institute was completed in accordance with the terms of the contract. Its right to possession was firmly established by the decree and it now stands as a permanent memorial of the part taken by the city of Chicago in the World's Columbian Exposition.

Another case of considerable local importance is that of the South Shore Transportation Company et al. vs. city of Chicago, World's Columbian Exposition et al., in the circuit court of Cook county. The material facts in this case are briefly stated. I have already shown that the site of the exposition finally agreed upon was Jackson Park and Midway Plaisance. The entire park tract is located on the east side of the Illinois Central Railroad, extending to the lake. One of the first matters that received the careful consideration of the board of directors of the exposition was the public facilities for reaching the exposition grounds. Substantially, all the people who would visit the exposition would be compelled to cross the tracks of the Illinois Central Company, some twelve in number, and we at once realized that during the period of the exposition trains upon some of these tracks would be constantly passing and repassing, and therefore the public could not cross these tracks at grade without great jeopardy. It was first contemplated erecting temporary viaducts over the tracks of the Illinois Central, and it was estimated that these temporary structures would cost between two hundred thousand dollars and two hundred and fifty thousand dollars. It was therefore suggested that the Illinois Central should raise its tracks, commencing several blocks north and extending the same distance south of Jackson Park, and negotiations were commenced with that end in view. The officers of the Illinois Central Company in this instance, as in all other matters connected with the best interests of the exposition, gave the matter immediate consideration. After several conferences between the officers of the two corporations, a contract was entered into whereby the Illinois Central agreed to elevate its whole system of tracks between the points designated, providing subways at the several street crossings, the exposition company agreeing to contribute toward the cost of such improvement the estimated cost of the temporary viaducts. The Illinois Central immediately commenced its work, and prior to the 1st of May, 1893, the entire work of elevation was completed. This was the first instance of track elevation by any of the steam railroads in the city of Chicago, and this thought was also inspired by the officers of the exposition.

The exposition officials also deemed it advisable to provide other facilities for reaching the park, and, to effectuate this, entered into a contract with the World's Fair Steamship Company for running a line of steamers between the city and Jackson Park during the entire term of exposition. To facilitate this method of transportation the exposition authorities constructed a pier at Van Buren street, extending into the lake a distance of twelve hundred feet, by about two hundred feet in width, and at Jackson Park a pier two thousand feet in length, with greater width. By the terms of the contract no other lake vessels or boats were to be permitted to use either pier, and it was claimed that this gave to the World's Fair Steamship Company a monopoly in transportation upon the open waters between the two points. A corporation known as the South Shore Transportation Company, owning and controlling several steamboats and engaged in passenger transportation between the city of Chicago and various points on the lake, filed its bill to enjoin the exposition company and the steamship company from preventing, hindering or refusing the complainant the privilege of landing or receiving passengers at either pier.

The bill of complaint challenged the validity of the act of 1890 so far as it gave to the exposition company exclusive use of either the park, or the waters, or riparian rights abutting the park. It was also claimed that the park had already been devoted to public use, paid for by taxation and assessments, and that it was beyond the power of the legislature to exclude any of the public from the free enjoyment of the park. The bill denied the right of the exposition company to enclose the park, or to exclude the free entrance of the public. This question had been agitated by several parties who were not able to procure from the exposition authorities such privileges as they desired. The contract between the exposition company and the steamship company provided for the payment by the steamship company of twenty-five per cent upon the gross receipts derived from the contract. This amount was intended to reimburse the exposition authorities for the large expenditures made for the construction of the piers, and it was claimed that by virtue of this contract special privileges were given to the steamship company as a common carrier that were denied others engaged in the same business. Complainants also claimed that they had the right to an injunction against closing the exposition upon Sundays, for the reason that "Jackson Park was created and dedicated by the general assembly of Illinois and paid for by the taxation of property in the south district; that the same was a public park for the recreation, etc., of the public and free to all persons forever." Therefore, the right to charge admission to the exposition grounds and the right of closing the exposition on Sundays were directly challenged by the complainants.

The court denied the injunction and dismissed the bill for want of equity, holding that the act of 1890 was a valid act; that the exposition company had legal authority to enter into the contract; also that by virtue of the statute of 1890 the exposition authorities had the legal right to control the admission to Jackson Park and to operate their exposition under such rules and regulations as to the authorities might seem proper and advisable. This cause was also heard and decided by Judge Tuley.

The legal controversy over the so-called "Sunday opening" question excited more public interest than any other matter that received the consideration of either the federal or state courts. Religious organizations had formed an association for the purpose of establishing a precedent against all secular or educational work, as well as what they deemed merely amusement exhibitions, on Sunday. Early in 1891 the representatives of this organization, under the leadership of the late Elliott F. Shepard, appeared in Chicago for the purpose of inducing the exposition authorities to adopt a rule or resolution prohibiting the opening of the exposition to the public on Sunday. The national commissioners, then in session, gave these representatives a hearing, and then properly decided that, as they were not authorized under the act of congress to establish rules for the government of the exposition, the whole subject ought to be referred to the directory of the exposition. For some reason Mr. Shepard and his associates wholly ignored the exposition directory, but appeared before the board of lady managers, then in session, and succeeded in procuring the adoption by that board of a resolution that it was the sense of the lady managers that the exposition should remain closed to the public on Sunday. The Sunday-observance association then circulated petitions to congress, praying that by congressional enactment the exposition authorities should close its gates to the public on the "seventh day of the week, commonly called Sunday." These petitions were all referred to the special World's Fair committee of the house, of which the Hon. Allen C. Durborow was chairman. No report was made by the committee, and no action relative to the matter was taken by congress until August, 1892. At this time the officers of the World's Columbian Exposition had expended in the preparation of grounds and the construction of buildings the full amount of ten million dollars, that being the sum required of the local corporation by the original act of April 25th, and thereupon they reported to congress the progress of the work, the amount of money expended and the additional sum that would be required to complete the work of construction.

Prior to this time congress, recognizing the importance of the exposition and the magnitude of the work of construction and preparation, appointed a special committee known as the "Dockery Committee," charged it with the duty of visiting Chicago and making thorough examination of the progress of the work, the amount expended and whether such expenditures had been properly and reasonably made. This committee was specially charged with the duty of examination of the work and expenditures of the national commission. The report of this special committee was a complete vindication of the work of the local corporation, but recommended a reduction of salaries upon the part of some of the officials of the national commission, and further reported "that the affairs of the exposition had, in all respects, been managed with a degree of ability and fidelity highly commended, and that there was but one desire upon all sides, management, as well as the people at large, that this great event should be a splendid success."

The result of the discussion in congress was the enactment of a law directing that there should be "coined at the mints of the United States silver half dollars of the legal weight and fineness, not exceeding five millions of pieces, to be known as the 'Columbian half dollars,' struck in commemoration of the World's Columbian Exposition;" and the secretary of the treasury was authorized to pay the same to the World's Columbian Exposition upon vouchers properly certified for labor done, materials furnished and services performed in prosecuting the work of preparing said exposition for opening, as provided by the act of April 25, 1890.

The act further provided "that before the secretary of the treasury should pay to the World's Columbian Exposition any part of the said five million silver coins, satisfactory evidence shall be furnished him, showing that the sum of at least ten millions of dollars has been collected and disbursed, as required by said act;" also "that the exposition should furnish a satisfactory guaranty to the secretary of the treasury that any further sum actually necessary to complete the work of said exposition to the opening thereof would be provided by said World's Columbian Exposition."

By the terms of the act, the exposition was required "to maintain and pay all the expenses, costs and charges of the great departments organized for the purpose of conducting the work of the exposition." This provision had reference to the departments organized by the national commission. The directors of the exposition had no control whatever over these departments, but at a prior date had agreed to advance to the commission the expenses of the departments, with the understanding and agreement that the amount so advanced should be refunded out of appropriations made to the commission by congress. These advances were never returned by the commission, so that, as a matter of fact, the appropriation under the act of August 5, 1892, was barely enough to defray the expenses of the various departments.

It was here that the Sunday-observance organizations succeeded in securing recognition by congress. Upon their petition and insistence section 4 was added to the act of appropriation, viz.: "That it is hereby declared that all appropriations herein made for, or pertaining to, the World's Columbian Exposition are made upon the condition that the said exposition shall not be open to the public on the first day of the week, commonly called Sunday; and if the said appropriations be accepted by the corporation of the state of Illinois known as the World's Columbian Exposition upon that condition, it is hereby made the duty of the World's Columbian commission, created by the act of congress of April 25, 1890, to make such rules or modification of the rules of said corporation as shall require the closing of the exposition on the said first day of the week, commonly called Sunday."

The exposition authorities accepted the act of August 5th, assumed and paid the expenses of the departments of the national commission, and expended in preparation and construction at least five million dollars in excess of the ten millions provided by the city of Chicago and the stockholders of the corporation, which was provided for by the sale of debenture bonds issued by the exposition.

Under section 6 of the original act of April 25, 1890, the national commission was authorized to appoint judges and examiners for the exposition, and to award premiums. Exclusive jurisdiction over examiners and awards was confided to the national commission. The Columbian Exposition was given no jurisdiction whatever over that subject, nor was it under any act of congress charged with the cost of examiners or awards, nor did the directors or any officers of the exposition assume any control whatever over the matter, but left it entirely to the national commission to appoint judges and examiners and to determine what premiums should be awarded.

March 3, 1893, congress took further action in the matter by making an appropriation of \$570,880 to meet the expenses of the jury of awards, as well as the cost of the premiums that should be awarded. The act recited that, "to enable said examiners and the board of lady managers to give effect to and execute the provisions of section 6 of the act of congress approved April 25, 1890, authorizing the World's Columbian Exposition and appropriating money therefor,

relating to committees, judges and examiners of the exposition and the granting of awards, \$570,880 was appropriated." The appropriation provided further that the sum so appropriated should be charged against the World's Columbian Exposition, and directed that the amount should be deducted from the appropriation of August 5th of two and one-half million dollars. The directors protested against the withdrawal of this amount from the specific appropriation, especially as the exposition was required to assume the cost and expense of all the departments from the beginning until the close of the exposition, and for the additional reason that, relying upon the good faith of congress and the payment of such appropriation, it had entered into new contracts in aid of construction largely in excess of the entire appropriation. The amount, however, was withheld from the exposition and applied to the payment of an indebtedness properly chargeable to the government. The exposition was opened, and the rule providing for Sunday closing was enforced.

Directly after the 1st of May, 1893, petitions were presented to the directory, representing substantially all the labor organizations of the city, requesting that the exposition be thrown open on Sunday for the reason that the petitioners, belonging to the industrial classes, would not be able to visit the exposition during the working days of the week. The directors, believing that under all the facts and circumstances connected with the withholding by congress of nearly six hundred thousand dollars of moneys belonging to the exposition it was absolved from its implied obligation, under the act of August 5th, to close the exposition on Sunday, adopted a resolution authorizing the gates to be open to the public on such day. The Sunday-observance organization, through its officers and representatives, then applied to the department of justice at Washington for relief, and requested that the attorney-general authorize the United States attorney for the northern district of Illinois to file a bill in the federal court, in the name of the United States, to restrain the exposition and its officers from throwing the gates open to the public on Sunday. The bill was accordingly filed by the United States attorney, with whom were associated several prominent members of the bar, in the interest of the Sunday-closing association.

Application was made for a temporary restraining order, and the matter was heard by two circuit judges and a district judge. The circuit judges directed the temporary order to be entered, the district judge dissenting. The exposition company immediately prosecuted an appeal to the circuit court of appeals. The chief justice of the supreme court, then in the city, at the request of the defendant convened the circuit court of appeals and the cause was set for hearing the following week. The result of the hearing was a dissolution of the order of injunction, the court holding that the United States had no standing in equity for the relief demanded; that the exposition company was lawfully in possession of Jackson Park and Midway Plaisance, and that it was clothed under the act of congress with full authority to conduct the administrative affairs of the exposition. Upon directing the order of reversal to be entered, the chief justice said:

"Assuming it is desirable that this matter should be disposed of at once, we shall announce the result at which we have arrived, postponing for want of time the elaboration of our views, which will be hereafter given. * * * The question to be determined is whether upon this record a preliminary injunction should have been granted. The bill avers that the defendants are usurping an unlawful authority over the exposition and grounds, and in virtue thereof are assuming to open the gates on Sunday in contravention of the acts of congress, and notwithstanding such opening would be of great injury and a grievous prejudice to the public good of the people of the United States. * * *

"The furnishing of the five million souvenir coins was conditioned upon the local corporation's providing and expending, in addition to the many millions it had already contributed, the further sum of two and a half millions, and the giving to the government of a satisfactory guaranty that it would provide all additional sums necessary for completing all construction work prior to May 1, 1893, and was subject to two conditions subsequent, namely, the payment by the corporation of all the expenses, costs and charges of the great departments of the exposition, and the closing of the exposition on Sunday.

"In view of the vast previous expenditures of the corporation, the manner and extent of the obligations assumed, the rights of all the parties concerned, and the nature of these conditions as conditions subsequent, we do not think this is a proper case for the application of the rule in question. * * * The appropriation was made in terms for the purpose of aiding in defraying the cost of the completion of the work, and to be paid over on vouchers for labor done, material furnished and services performed in the prosecution of a common work. * * *

"This brings us to consider the position that the court might intervene to protect the possession of the United States in their possession of their exhibit, in reference to which no question arises, but an asserted right to the possession of the entire grounds of the exposition and all of the exhibits. The difficulty here is that it is a local corporation which is in actual, lawful possession, under the laws of the state and the ordinances of the South Park commissioners—a possession recognized by the acts of congress, and essential to the construction and administration of the exposition by the corporation. In that construction the corporation has invested sixteen millions of dollars under circumstances which preclude the view that the United States had exclusive dominion and authority in the premises." (The case is reported in 56 Fed. Rep., p. 654.)

There was another feature of this litigation which excited not only considerable amusement, but in its first inception was exceedingly annoying to some of the directors of the exposition. They were apparently caught between the "upper and nether millstones" of conflicting orders.

Prior to the entry of the restraining order by the federal circuit court, one Charles W. Clingman, claiming to be a stockholder, filed his bill in the superior court of Cook county to restrain the exposition authorities from closing the gates of the exposition on Sunday, and also moved for an injunction pendente lite. This motion was promptly heard, and an order entered restraining the exposition and all its officers from closing the gates of the exposition, or the entrances to Jackson Park, on any Sunday during the exposition. Clingman claimed that, as a stockholder, his interests would be greatly prejudiced by the action of the directors. In this case the exposition asserted its right to the exclusive control and management of all of the affairs of the exposition and all the functions pertaining thereto without interference by the stockholders or other parties. The exposition authorities assumed the same line of defense in both cases; that the directory were the exclusive judges as to the policy of the exposition and of the propriety, moral or otherwise, of opening or closing the gates on Sunday, and that neither the United States, the stockholders nor any other party had the legal right to control the directory relative to its management of the exposition.

After the entry of the injunction by the state court the directory adopted a resolution for closing the exposition on Sunday. It was inspired to this action for the reason that a large proportion of the exhibitors desired the exposition to be closed, that their employes might be given a day of rest. As a matter of fact, during the time the gates were thrown open many of these exhibits were not open to the public; the attendance on Sundays was so small that the receipts would scarcely meet the expenditures; the large Sunday attendance promised by labor organizations did not materialize; therefore, the resolution directing the closing of the exposition was adopted.

Several of the directors voting in favor of the resolution were cited before the state court to show cause why they should not be punished for contempt, and, upon hearing, fines were imposed for one thousand dollars each, with the exception of two of the directors, who were fined for lesser amounts, although all were guilty of the same violation of the order, if the voting for the resolution was a violation. An appeal was taken from this order to the appellate court, where the judgments were reversed, the court holding that the superior court on the bill had no jurisdiction whatever over the subject-matter of the action.

This ended the litigation over the Sunday-opening question. The federal court had ordered that the directory should close the gates, while the superior court had ordered that the same directory should not close the gates against the public on Sundays. On appeal by the exposition both judgments were reversed and set aside for the reason that courts could not interfere by injunction with the administration of the directory over the exposition.

The action of the directors of the exposition in rejecting the claims of the French republic and four or five French exhibitors received considerable adverse criticism. Little attention was paid, by either the public press or that portion of the public sympathizing with the French claimants, to the facts or circumstances of the case.

The material facts are briefly as follows: Under the act of congress the commissioners were required to formulate rules defining the rights and duties of foreign exhibitors. Copies of these rules were forwarded by the secretary of state to the proper officers or representatives of foreign governments, and copies of these printed rules were furnished every foreign exhibitor and government official long before the opening of the exposition. All exhibitors were directed to apply to the director-general, an officer of the national commission, and in a certain sense a representative of the government, for an allotment of space within which exhibits could be installed. The director-general, upon receipt of such application, made a written assignment of space, on forms prepared by him and approved by the national commission, upon the back of which were printed the same rules that had been already forwarded to the proper officers of foreign governments.

One of the rules provided that neither the United States nor the World's Columbian Exposition would be responsible for the loss of any exhibits resulting from fires or other casualties. The exhibitors also had authority to provide their own guards, and every reasonable privilege was extended to them concerning or affecting the safety of their exhibits, but the local corporation did not assume the responsibility of specially guarding or protecting the property of either domestic or foreign exhibitors. It was not in any sense an insurer of the exhibits, nor could it reasonably be assumed that the exposition company should become responsible for the safe custody and keeping of exhibits, amounting in value to more than one hundred million dollars.

During the first month of the exposition, when there was necessarily great confusion, as many of the exhibits had not then been installed and as the buildings were thrown open to the public, some quite valuable articles were stolen. In one or two instances the owners of these stolen articles brought suit against the exposition company, claiming that the exhibits were in the possession and under the care and custody of the local corporation, and, therefore, the corporation was liable for the value of the goods stolen. An early trial was had, but the court held that under the contract of installment and under the rules adopted by the commissioners, a copy of which was furnished the exhibitors, the corporation was not responsible, as an insurer or otherwise, and could not be held liable for the value of the property lost.

The exposition closed on the 30th day of October, and prior to that time notices were given all exhibitors that they must at once proceed to remove their exhibits, and later on, early in December, they were again notified that on the 1st of January, 1894, possession of the grounds must be surrendered to the park commissioners, and that the Columbian guard and other instrumentalities for the protection of property would be greatly reduced. The greater part of all exhibits was removed prior to the 1st of January, 1894, and no good reason could be assigned for not removing all articles before the expiration of the year 1893.

The German government and German exhibitors, with their magnificent exhibit, by far excelling that of any other government in extent and completeness, had removed all their exhibits prior to December 15th. The French republic and French exhibitors had removed but a small part of their exhibits prior to January, 1894, and, although it was claimed that the delay was occasioned by the officers of the government and the exposition authorities, yet the records show such was not the fact.

There is another circumstance that has special bearing upon the equity of this claim. All foreign exhibits, under a special act of congress, were received and installed without the payment of duty, and, therefore, the buildings in which such exhibits were installed were made by law bonded warehouses, and every foreign article upon which duty had not been paid was legally and practically under control of the revenue officers of the government. No article during the exposition could be removed from the building until the duties were fully paid and authority for such removal given by the proper revenue officer.

On the 5th of January, 1894, an incendiary fire was discovered, late in the afternoon, in the Casino building, where no exhibits of any character had been installed. This fire was soon beyond the control of the local fire department, kept at the expense of the exposition, when a general alarm was given and the city department called upon for aid. Within thirty minutes some fifteen or twenty engines responded to the call. In spite of all efforts, the fire extended to the manufactures building, in which a large amount of the exhibits of the French republic and French exhibitors had been installed. All this property was still under the direct control and custody of the revenue officers.

Shortly before the fire, proper authority had been given the French exhibitors to remove their property, but they had not at the time of the fire availed themselves of the privilege. The amount of damage claimed by reason of the fire was about seventy-five thousand dollars. The French government, through its ambassador at Washington, made formal

claim for the amount of loss upon the United States government. The claim was rejected, and thereupon was presented to the officers of the exposition.

The claim received the immediate attention of the directors, and a special committee was appointed to investigate and report to the full board. The committee made thorough and careful investigation and reported the facts without conclusions; whereupon the board, by resolution unanimously adopted, declined to recognize its liability. Actions were brought in the federal court by the French republic, as well as the French exhibitors, seeking to recover the value of the property, upon the ground that the officers of the exposition were guilty of negligence in the care and custody of the property, and upon this theory they seek to recover the value of the exhibits injured or destroyed.

There were, of course, a large number of other actions brought against the corporation upon a great variety of claims, but they involved no question or principle of either local or general interest.

The work of the exposition was not at all embarrassed by the judgments or decrees of either our federal or state courts. Whenever it was important that any cause should be speedily heard and determined, the courts gave such cases precedence over others, holding that the work was of public interest and the time of preparation exceedingly limited. When the importance and magnitude of the exposition are taken into consideration, together with the fact that it was essentially a new work, without lines or precedents to follow; that the entire amount of money received and disbursed by this corporation was in excess of thirty million dollars; that the aggregate value of the exhibits installed exceeded one hundred million dollars; that more than twenty million of people, representing all classes, creeds and nationalities, visited the exposition, and that during the entire period no public or private rights were violated or impaired, the officers of the exposition have reason to congratulate themselves that their efforts and labor were crowned with substantial success and received the cordial approval of the public.

As a fitting conclusion to this paper, I quote the following paragraph from the report of the Dockery committee:

"In its scope and magnificence this exposition stands alone. There is nothing like it in all history. It easily surpasses all kindred enterprises and will amply illustrate the marvelous genius of the American people in the great domains of agriculture, commerce, manufactures and inventions, which constitute the foundation upon which rests the structure of our national glory and prosperity."

While he has been thoroughly devoted to his profession, Mr. Walker has also been identified with numerous business enterprises. More than a quarter of a century ago he formed a copartnership with Colonel W. P. Rand, in the coal and transportation business, and the firm of W. P. Rand & Company is one of the best known in the west, operating extensively in Ohio and Pennsylvania. The relations of these two men have been of the most intimate character, and during their long copartnership nothing has occurred to mar the friendship formed so many years ago. Mr. Walker has many other financial and business interests of importance, but to these it is scarcely necessary to refer in detail.

Though staunchly arrayed in the support of the Republican party and its principles, he wisely discriminates between the exigencies and differing necessities of local and national affairs, and he has always been ready, regardless of politics, to join with independent citizens in movements to secure the correction of local abuses in the administration of municipal affairs. He has been signally averse to political preferment and party strife, and has invariably refused to become a candidate for public office, preferring to devote his attention, with absolute singleness of purpose, to the profession in which he has attained so marked prestige and success. A thorough and devoted churchman of the Protestant Episcopal church, Mr. Walker is a communicant of Grace church in Chicago, and for more than a score of years he has been a member of its vestry, while for a number of years he has been senior warden,—an incumbency which he retains at the present time. To this important parish and to the work of the church at large, as touching "all sorts and conditions of men," the services and judgment of Mr. Walker have been invaluable.

To only those who have the privilege of knowing Mr. Walker intimately in his private and social relations can there come a full appreciation of the innate worth of his character. Endowed by nature with a superior intellect, his mind has been cultivated not only by reading, study, literary occupations and extensive travel, but also in the vast and varied experiences of the great school of life. His manners are easy, dignified and refined, and he has that "graceful tact and Christian art" which win the respect, esteem and admiration of all who know him, while for those "in any way afflicted in mind, body or estate," his sympathy is ever quick, constant and helpful. The perfect fairness and uprightness of his disposition, to which we have already alluded in speaking of his conduct in the management of litigations, are exhibited by him in the varied affairs of life, and make friends of those who through circumstances have been placed in hostile relations to him. The rare qualities and splendid traits which designate the true Christian gentleman appear in all his intercourse with his fellow men. His kindliness, tender sympathy for the poor and distressed, and his lifelong fidelity to friendship have attracted to him a wide circle of friends in the city where he has passed the greater portion of his life and where he is regarded as one of its representative and valued citizens.

In the year 1857 Mr. Walker was united in marriage to Miss Lydia Johnson, daughter of Colonel Israel Johnson, a prominent merchant and honored citizen of Logansport, Indiana. She lived

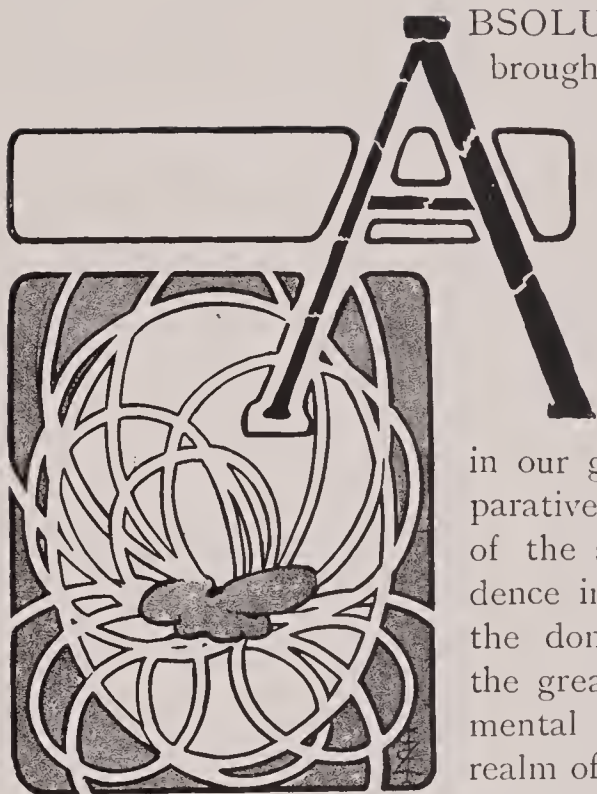
but two years after their removal to Chicago, but during the few years of their married life she became endeared to a large circle of friends, and promoted in every possible way the success of her husband. Of this union three sons were born. The two eldest, Edwin C. and J. Brandt, are married and have pleasant homes in Chicago. They are successful commission merchants, being associated together in business, under the firm name of Walker & Company. The youngest son, William Earl, a boy of great promise, died in his twenty-first year, at the commencement of his senior year at Yale College. His scholastic attainments were of a high order, and he was being carefully educated and trained for the legal profession. In 1870 Mr. Walker consummated a second marriage, being then united to Mrs. Desdemona Kimball, daughter of Major Samuel Edsall, one of the oldest and best known citizens in the public and social life of Fort Wayne, Indiana. Few women in Chicago have a larger circle of social and admiring friends than Mrs. Walker, who presides with dignity and gracious refinement over the pleasant home,—made the more attractive by the presence of her two daughters, Misses Alma L. and Louise E. Kimball. Although a member of many prominent social clubs of the city, Mr. Walker finds his greatest solace and satisfaction with his family and friends at his attractive home on Michigan boulevard, participating in such social functions as his professional and other duties will permit. He has traveled extensively throughout the United States and abroad, and is constantly forming new friendships and associations. Though now (1898) nearing the psalmist's span of three score years and ten, Mr. Walker has maintained to an exceptional degree his physical vigor, and gives no evidence of waning powers, save that he has to have more frequent recourse to travel and rest, thus relieving himself in a measure from the manifold cares and responsibilities which have ever attended his wonderfully active and useful life.



Wm. A. Wood

WILLIAM A. WOODS,

INDIANAPOLIS, INDIANA.



ABSOLUTE capability often exists in specific instances, but is never brought into the clear light of the utilitarian and practical life. Hope is of the valley, while effort stands upon the mountain top; so that personal advancement comes not to the one who hopes alone, but to the one whose hope and faith are those of action. Thus is determined the full measure of success to one who has had the prescience and power to direct his efforts toward definite ends, and well may we hold in high regard the results of individual endeavor and personal accomplishment; for cause and effect here maintain their functions in full force. While hundreds

in our great republic have risen from poverty to affluence, there are comparatively few who have won tributes of admiration and honor by reason of the splendid intellectual achievements which have gained them precedence in the world of mental activity. Mind and not force is held to be the dominating influence in the affairs of this enlightened century, and the greatest honor is due him who has made for himself opportunities for mental development and has attained thereby the higher planes in the realm of thought and intellectual potentiality. Such is the task that Judge Woods has accomplished, and to-day he holds distinctive precedence among

the able jurists and legists of the nation. He is now the incumbent as circuit judge of the United States for the seventh district,—to which important and responsible office he was appointed by President Harrison, on the 17th of March, 1892. He is widely known in law circles throughout the Union, and the distinguished appointment mentioned came to him as fitting recognition of talents that have been developed through laborious and untiring effort.

A native of the state of Tennessee, William Allen Woods was born near Farmington, Marshall county, on the 16th of May, 1837, being the last born, and the only son of Allen Newton Woods and Martha Blackburn (Ewing) Woods. When he was but a month old his father, who was pursuing a theological course, died, and the subject of this review became an inmate of the home of his maternal grandfather, William D. Ewing, who was a prosperous farmer, but who retained, contrary to the usual custom of the place and period, only two slaves,—an aged couple who had been long in the family. The paternal grandfather, whose holding of slaves was larger, was a man of prominence and influence in that section of Tennessee. When the Judge was seven years of age his mother married Captain John J. Miller, who, being opposed to slavery, removed, in 1847, with his family to Iowa, where he died soon afterward. Thus it was that William A. Woods passed his days upon the farm in the Hawkeye state until he had attained the age of fourteen years, incidentally profiting by such limited educational advantages as the locality afforded. He afterward found employment in a saw mill and in the village store. His alert mentality and intuitive appreciation quickened his ambition for securing wider educational facilities. By carrying a hod for the plasterers he worked out a subscription he had made to the building of an academy at Troy, Iowa, and in that institution he completed his preparation for college, serving meanwhile as assistant instructor. He was an earnest student of not only the text books, but also of the problems that were calling forth the attention of the public, and thus he was led to take an advanced stand upon the temperance question and to become a prominent member

of the Order of Good Templars. He was made chief of his home lodge and an officer in the grand lodge of the state, which he assisted in organizing when less than eighteen years of age.

In 1855 the embryonic judge realized the long cherished desire of entering upon a college course, and he matriculated in Wabash College, at Crawfordsville, Indiana, where he pursued the classical course to its completion, graduating as a member of the class of 1859. He was a thorough, systematic and earnest student, displaying a special aptitude in mathematics, and for a year after his graduation he remained in his *alma mater* as an instructor in that particular branch of learning. It was within his collegiate experience that Judge Woods gave distinctive evidence, in another direction, of the breadth of his nature and of the humanitarian standpoint from which he viewed the problems which were then agitating the public mind. Although his grandsires were both slaveholders, his father, as well as his stepfather, had been opposed to the institution, and even in his immature years he became a practical abolitionist. A slave girl given to his mother by her father had thereby become the property of his father, who provided in his will that she should have her freedom upon attaining the age of twenty-one. The girl married, and before she was entitled to freedom gave birth to a boy, who was left as a slave in Tennessee, the mother accompanying the family to Iowa, in 1847. When Judge Woods was in the midst of his college course, and when his finances were at such low ebb as to compel him to borrow money, he was urged to consent to the sale of the slave boy, who at that time would have commanded a good price; but he declined to profit in that way, and insisted that the boy should be brought north and given his freedom, which was done.

Upon leaving college Judge Woods accepted a position as a teacher at Marion, Indiana, where he remained until the school was disbanded, owing to the excitement which followed the battle of Bull Run. Thoroughly loyal to the cause of the Union he enlisted in a company which was organizing, but by reason of an injury to his foot he was not able to go into the service. Meanwhile, in view of his chosen vocation in life, he had pursued the study of law with diligence and marked proficiency. His reading had always been extensive and of wide range, but as a life work he had determined to enter the legal profession, and from the time of his graduation had given close attention to technical study along that line. He secured admission to the bar in December, 1861, at Marion, and on the 17th of March, 1862, entered upon the practice of his profession in Goshen, Indiana,—a state which he has honored and dignified by his labors as a lawyer and jurist, as well as a man among men. The dreary novitiate which awaited him was short; almost from the beginning he was successful, and as he demonstrated his ability to handle complex and important litigations his clientage grew rapidly in volume and in representative character.

In 1867 Judge Woods was elected a member of the general assembly of Indiana, where he served most efficiently on the judiciary committee, and introduced a number of bills, most of which found their way to a place on the statute books of the state. In 1873 he was elected judge of the circuit court for the thirty-fourth circuit of Indiana, composed of the counties of Elkhart and La Grange, and was reelected in 1878, without opposition, discharging the judicial duties with such ability as to gain a state reputation and to secure from the Republican convention of 1880 a nomination for the office of judge of the supreme court, to which he was elected. An article upon the supreme judges of Indiana, prepared by W. W. Thornton, and published in 1892, contains the following discriminating estimate: "By his experience on the *nisi prius* bench Judge Woods came to the highest tribunal well fitted for its exacting duties. He was and now is a man of splendid physique. He is a man of originality, depending less than the ordinary judge upon precedents and the opinions of others. He is fearless, and does not hesitate to express his views when duty requires him to do so. Somewhat combative in his nature, but not offensively so, he is ever ready to meet an opponent. His independence of character and thought has occasionally led him into error, though not seriously so, in his judicial opinions. The language of his opinions is forcible, and they are totally destitute of verbiage. He goes directly to the core of a case, decides it in a few paragraphs, reasoning out the controverted question, and citing few authorities. Although he was but little over two years on the supreme-court bench, he ranks as one of the strongest men who ever sat upon it."

Judge Woods continued as a member of the highest judicial tribunal of Indiana from January, 1881, until May, 1883, when he was appointed by President Arthur to the position of United States district judge for the district of Indiana, succeeding the late Judge Walter Q. Gresham, who had been appointed postmaster-general. For almost nine years Judge Woods held this preferment, and within that time tried more than the usual number of political cases. The most important was the trial and conviction of parties indicted for conspiring to obtain unlawful possession of tally sheets containing a record of the vote in the city of Indianapolis at the congressional election of 1886. Judge Woods' construction of the statute applicable to the case was strenuously contested, but was sustained by

the decision of the supreme court; *In re Coy*, 127 United States, 731. The case which attracted most attention, however, was the proceeding against Colonel Dudley, charged with writing a letter from New York, within the campaign of 1888, advising bribery at the polls. The election was the most exciting ever held in the state, and charges of corruption were freely made by both parties. A "confidential" letter, purporting to have been written by the chairman of a Democratic county committee to a subordinate, had fallen into the hands of the enemy. It advised that voters who could be bought were simply floats and should be looked after closely, that no one might escape. Another letter, over the alleged signature of Colonel Dudley, written on a sheet bearing the imprint of the Republican national committee, and addressed to an unknown person in Indiana, was published by the Democratic state committee. It gave full and explicit directions concerning the election, and contained the offensive clause: "Divide the floaters into blocks of five, and put a trusted man, with the necessary funds, in charge of these five, and make him responsible that none get away and that all vote our ticket." In his charge to the federal grand jury, which met November 14, 1888, Judge Woods called attention to section 5511 of the United States Revised Statutes, which makes bribery an offense, and provides that any person who "aids, counsels, procures or advises any such voter, person or officer, to do any act hereby made a crime, * * * shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than three years, or both, and shall pay the costs of the prosecution." A consideration of this statute by Judge Woods and ex-Senator McDonald having developed a difference of opinion between them as to its proper construction, Judge Woods purposely omitted any construction of the section, and gave his charge to the jury substantially in the language of the statute, so as to leave the district attorney free to conduct the investigation before the grand jury in his own way. A month later, in response to a request for more explicit instructions, he quoted section 5511 of the statutes and added this construction: "But in any case, besides the mere fact of the advice or counsel, it must be shown that the crime contemplated was committed, or an attempt made to commit it." This precipitated a storm of partisan criticism. It was charged by the Democratic press, and by the senior member from Indiana upon the floor of the United States senate, that this construction was inconsistent with the first charge, and that the judge had been induced to shield the guilty by making indictment impossible under the construction of the law. The criticism having been repeated in words of bitter denunciation in the Democratic state platform of 1890, the Judge published an elaborate statement of facts, with correspondence and data, which not only exonerated him from any possible suspicion of wrong-doing and inconsistency, but also showed his construction of the law to be correct. It also appears that his ruling was in exact accordance with an early decision of the supreme court, in the case of the United States versus Mills, 7 Peters, 137, which seems to have been overlooked until after public discussion of the subject had ceased. The vindication was complete.

Judge Woods continued upon the United States district bench until March 17, 1892, when, upon the nomination of President Harrison, he was confirmed and commissioned circuit judge of the United States for the seventh district, and as such he presides in the circuit court of appeals, which sits in Chicago. He was well fitted by previous judicial experience and a profound knowledge of the law to assume the duties of this important and dignified office, and the decisions which he has rendered upon this bench have won the commendation and approval of the brightest legal minds of the nation. Among the notable cases which have been tried before him, the one that undoubtedly attracted great attention and general interest was the application for an injunction, on behalf of the government, to compel the directors of the World's Columbian Exposition to close the gates on Sunday. In the hearing of the case Circuit Judges Woods and Jenkins and Judge Grosscup, of the district court, sat together. The first two decided to grant the injunction, and each delivered an elaborate oral opinion in support of his decision. The former held that there had been such a transfer of the possession of Jackson Park to the United States for the purposes of the exposition as to vest in congress the right of control, and that as congress had made Sunday closing a condition upon which it had voted an appropriation in aid of the exposition, and had required the commission to adopt a rule for the closing of the gates on Sunday, if the gift were accepted, the government had the right to exact compliance with the condition and rule. The further actions touching this matter are an integral portion of the history of the litigations pertaining to the exposition, and need scarcely be referred to in this connection. A more detailed account appears in the sketch of Edwin Walker,—the eminent Chicago attorney, who was intimately concerned with the litigation,—on other pages of this volume.

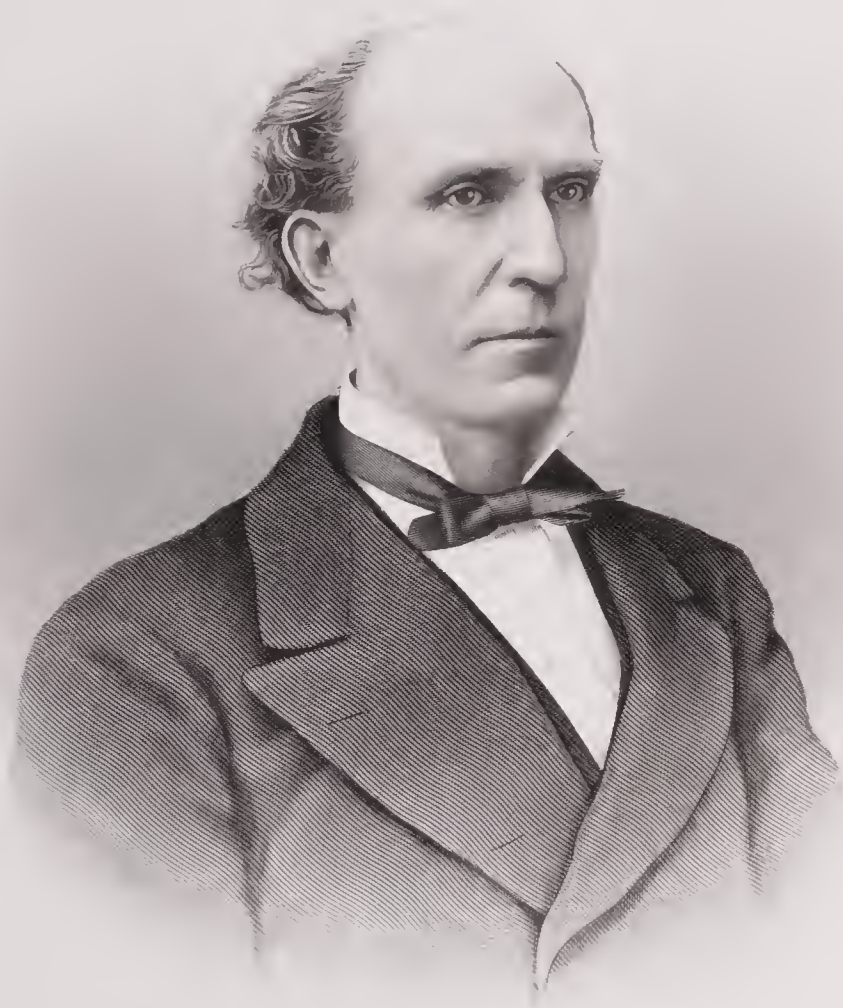
Another case over which Judge Woods presided, and which called forth the attention of the nation, was the trial, for contempt of court, of Eugene V. Debs, *et al.*, in which Edwin Walker,

special counsel, and Thomas E. Milchrist appeared for the government, and S. S. Gregory and C. S. Darrow for the defendants. In the opinion, filed December 14, 1894, the charge of contempt was sustained, seven of the defendants being found guilty of contempt of court in violating the injunction. In his opinion Judge Woods said, among other things: "If men enter into a conspiracy to do an unlawful thing, and in order to accomplish their purpose advise workmen to go upon a strike, knowing that violence and wrong will be the probable outcome, neither in law nor in morals can they escape responsibility." The substance of the evidence is: "The defendants, in combination with the members of the American Railway Union and others who were prevailed upon to coöperate, were engaged in a conspiracy in restraint or hindrance of inter-state commerce over the railroads entering Chicago, and in furtherance of their design those actively engaged in the strike were using threats, violence and other unlawful means of interference with the operations of the road; that by the injunction they were commanded to desist; but, instead of respecting the order, they persisted in their purpose, without essential change of conduct, until compelled to yield to superior force. The court, therefore, finds the defendants guilty of contempt, as charged."

In an address delivered before the Marquette Club, of Chicago, in February, 1898, Justice Brewer, in reviewing the animus and results of the great strike, paid to Judge Woods the following high tribute: "The great strike of which this city was the historic center attests the wisdom of judicial interference. * * * The peaceful ending of that strike is a supreme attestation of the power of the American people to govern themselves. That honest and true-minded men were in both sides of that controversy no sensible man doubts, and that it was settled judicially, and not by bayonets and bullets, is the glory of all. And here let me say in passing that the hero of that struggle for the domination of law was Circuit Judge William A. Woods, whose name will be revered and honored through the coming ages, long after the memories of his critics and assailants shall have become like the body of Lazarus four days in the grave."

On the 6th of December, 1870, was solemnized the marriage of Judge Woods to Miss Mata A. Newton, of Des Moines, Iowa, and of this union two children have been born, namely: Alice Newton, who is an art student, and Floyd Allen, who is a lawyer at Indianapolis.

The social qualities of Judge Woods have won him many friends, both within and extraneous to professional circles, and his rich fund of knowledge, as combined with a genial personality, make him an approachable and companionable gentleman,—one who realizes the true values of life and recognizes how fatuous are pretentiousness and self-glorification. In his sixteenth year he became a member of the Presbyterian church, to whose general work and collateral charities he contributes a due quota. In his political adherency he is a stanch Republican, but no political preference has ever biased his judicial labors and actions. "He has a genius for the law," was the published expression of a prominent Indiana politician of opposing views in political matters. Courage, firmness, persistence in application, strength of will, tenacity of purpose, capacity for work and rugged honesty,—these are some of his dominating characteristics. He is recognized as a jurist of the highest integrity, careful and painstaking in research, deliberate and conservative in judgment. His sense of justice is strong and inviolable, and while his heart is tender, his sympathies are never misplaced. Whatever he may be off the bench, while discharging his duties he is strictly nonpartisan. Tyrian and Trojan are the same to him. His powers of reflection, naturally penetrating and comprehensive, have been matured and strengthened by years of experience. His record on the bench of the various courts stamps him as an upright judge, and in all things above reproach. Another federal judge in a public speech said of him: "Than whom no judge on any bench can see further or more quickly into any question." Such men honor their profession and dignify human nature.



John M. Butler.

JOHN M. BUTLER,

INDIANAPOLIS, INDIANA.



JOHN MAYNARD BUTLER, one of the best known and ablest lawyers Indiana ever produced, was born on the 17th of September, 1834, in Evansville, Indiana, his parents being Calvin and Malvina French Butler, both natives of Vermont, and the latter a lineal descendant of Governor Bradford, of Massachusetts. His father, having worked his way through Middlebury College, subsequently taking a theological course at Andover, Massachusetts, came west to enter the Presbyterian ministry, and settled at Evansville. The pecuniary compensation of a minister in Indiana in those days was necessarily small, and at the age of eleven, Mr. Butler began to obtain—mainly through his own exertions, and aided occasionally by relatives, whose kindness he never forgot,—the education which he had, from a much earlier age, determined to acquire. After five years of hard work and an economy entailing the most rigid self-denial, he was able to enter Wabash College, at Crawfordsville. His career at college was characterized by the same indomitable energy, loftiness of purpose and success in moral and mental endeavor which brought him victory after victory in after life.

The deep, strong qualities of character that underlay all that he said and thought and did were at that time recognized by his professors and his friends. He was graduated in 1856, and on the day on which he obtained his diploma, at the age of twenty-two, he was elected to the presidency of the Female Seminary at Crawfordsville. This position he held for three consecutive years, after which he became principal of the high school in that city, having, during these years, laid out for himself and pursued a thorough course in law. To the end of his life he retained his affection for his college, and for many years before his death was one of its trustees. In April, 1857, Mr. Butler was married to Miss Susan Williams Jennison, of Crawfordsville, and in 1861 he began there the practice of his profession.

He volunteered for service in the Union army at the beginning of the war, but was rejected on account of lung trouble, which at that time threatened to be serious, but which in later years he outgrew. Throughout the war, however, he gave liberally of his time and money to the Union cause, and was one of the most trusted advisers and friends of Governor Morton, and a member of his secret council.

From the beginning of his practice of the law he was successful, and soon secured a liberal clientage. His first case was one involving issues of importance and was vigorously contested on both sides. It passed through the circuit and supreme courts of Indiana and was ultimately decided in favor of his client. His success in this case gave him prestige from the start and greatly increased his practice, not only in Crawfordsville, but in the surrounding counties.

In 1871 Mr. Butler became a member of the bar of Indianapolis, where his superior ability and previous experience soon gained him leading rank. He entered into a partnership with Joseph E. McDonald, which continued, with several changes of junior partners, until Mr. McDonald's death, in 1891. During the entire term that Mr. McDonald was United States senator the law business of McDonald & Butler steadily assumed larger proportions, notwithstanding the senior member of the firm was absent the greater part of the time, performing his official duties in Washington.

Mr. Butler was retained as counsel in some of the most noted cases that have ever come up for trial in the supreme court of the United States. This led him to spend much of his time in Washington, where he was regarded as one of the most able advocates that appeared before the court. The number and magnitude of his cases gained him a place among the most skilled practitioners of America.

In 1878 Mr. Butler's younger brother, George Calvin Butler, whose education Mr. Butler had promoted and directed, and to whom his relation was almost more paternal than fraternal, became a member of the firm and remained a member until his early death, in the midst of brilliant legal successes, in 1888. At the time of Mr. Butler's death, the firm consisted of himself, his son, John Maurice Butler, and his son-in-law, Alpheus Henry Snow.

He died of heart disease September 15, 1895, at the age of sixty-one years. His wife and his two children—John Maurice Butler and Mrs. Alpheus Henry Snow—survive him.

Mr. Butler was a fine specimen of physical manhood, being tall, well proportioned, broad-shouldered, and with a face on which force of character and intellectual power were written in every lineament. He had a voice of remarkable strength and sweetness, both in speaking and in singing. For fifteen years he led the choir of Center church in Crawfordsville, and he never lost his interest in and fondness for music. Deafness, increasing during his later years, debarred him from holding some of the highest offices in the state and nation, to which otherwise he would have been called.

Until his death he was an active member of the Second Presbyterian church of Indianapolis, in which he long officiated as an elder and a member of the board of trustees. Before coming to Indianapolis he had been for many years an elder of the Center church in Crawfordsville. In an eloquent tribute to the talent of conscience which marked him as great, independent of his achievements in his profession, Rev. Joseph A. Milburn, his pastor, said: "But if Mr. Butler was endowed with a commanding mind, with a mind compact and masculine and rugged, yet more lavishly was he endowed with the talent of conscience. He was a superb embodiment of conscience. The spirit of righteousness flashed out upon you from his eyes. It glowed in every feature of his very animated and attractive countenance. He was one of the few men whom I have ever known who seemed to realized in his daily living the meaning of the Psalmist's words, 'The beauty of holiness.' Duty, to him, was not servitude; it was highest freedom. Truth and justice were the very essence of his being. I believe it was wholly impossible for him to be false to his light, to be faithless to his convictions. And yet, with all his moral austerity, Mr. Butler was not, what he has sometimes been called, a Puritan. He was too merciful to be a Puritan. The element of legality in his nature was strong, but it was touched with an infinite sweetness. He was strict, stoically strict, with himself; scrupulously true to the right as he beheld it, but toward the morally infirm he exercised the most perfect charity. 'Mercy,' I once heard him say, 'Mercy, my friends, is the very soul of Christianity, and charity is the central tenet of the Gospel of our Master.' * * * I think it may also be said, without extravagance of statement, that another distinctive mark of his character was its symmetry. A noble intellect, a noble conscience, a noble faith,—these separately and in conjunction were his rich endowment, and it was their happy combination and union in him that made Mr. Butler what he was,—a great lawyer, a great citizen, a great Christian, and, above all and including all, a really great man."

He was equally conspicuous in affairs of state. In every campaign from his young manhood he spoke throughout the state in support of the principles of the Republican party, and during the last twenty years of his life he usually made the opening speech of the campaign in Indiana, which was printed either in pamphlet or as a supplement to the Indianapolis Journal and sent in numbers by the committee to every county in the state to serve as the keynote of the campaign. As one of his friends said: "Of late years he was the mast of our campaigns from which hung the sails of all our minor speakers." As a campaign orator he was almost equally well known in Ohio and Illinois.

From the many tributes from the press and his friends from all over the state, we select the following:

The Indianapolis Journal said of him: "As a jurist he stood at the head of the bar in the city and state, and his insight into the intricate problems of law was remarkable. He never aspired to an office and always declined nomination, although he invariably took an active part in state campaigns, in behalf of the Republican party. He never failed to make a profound impression as an orator, his speeches being always characterized by clear and profound reasoning. * * * In his political work Mr. Butler was not like most of the speakers. He was always ready and willing to enter the campaigns and would travel over the state, going where the committee might want him to go, but always declining to accept even his ordinary expenses, preferring to pay them himself. * * * Mr. Butler was a man of noble qualities,—just, conscientious, upright and conspicuously without reproach in every relation of life. In his death the city and state have lost a citizen worthy of most honored remembrance."

The Indianapolis News said: "Though Mr. John M. Butler's long illness had necessarily removed him from active participation in affairs, he was, nevertheless, almost up to the time of his death, a conspicuous figure in the life of the city and state, exerting a marked influence in many directions. He was one of the leaders of the Indiana bar. His professional standing, won by his own industry and ability, was of the highest. Like all good lawyers, he was a hard worker. Success with him was not a matter of chance or luck. He earned it by the persistent application of intellectual talents of the first order to every case with which he was connected. And there has been little litigation of importance in Indianapolis for many years in which Mr. Butler's firm was not engaged on one side or the other. A great lawyer is necessarily, to some extent, a public character. His career is watched with interest and pride by his fellow citizens; the very nature of his profession is such as to keep him in the public eye. But Mr. Butler did not owe his conspicuous position simply to his professional prominence. There was no man in the state, outside of the office-holding class, who was so widely known as he was. His interest in politics was keen and there was no campaign in which he did not take a more or less active part. The Republican party of Indiana will miss his energetic and intelligent support. His belief in his party and its policies was earnest and sincere, and so his advocacy was most effective. He lacked those winning qualities which sometimes enable small men to climb

to power, but even without them he won personal political fame by his great abilities. In his death Indiana loses one of her leading citizens and greatest lawyers."

Ex-Attorney-General W. H. H. Miller said of him: "Mr. Butler was a pioneer in the field of corporation law. To his efforts is largely due a certain line of decisions that guarantee to the employes of corporations that they will receive their wages whether the company prospers or not. It was one of his earliest contentions that railroad companies should be bound to pay the wages of their employes, even if the mortgage bondholders suffered by it. By his persistent work he has secured a line of decisions that will hold as law forever, that employes must receive first consideration." The Indianapolis Journal, speaking editorially of this legal victory, said: "It is an enduring monument of Mr. Butler's sense of justice and of his legal acumen and professional ability."



RESIDENCE OF JOHN M. BUTLER.

Ex-President Harrison, at the large bar meeting over which he presided, said: "We have not delayed our testimony to the greatness and completeness of John M. Butler as a lawyer until he has been taken out of the strifes of the law. Those who are assembled here this morning have borne cheerful testimony during his life to his great equipment as a lawyer and to the eminent success that crowned his devotion to his chosen profession. * * * When one who towered high and stood conspicuously in a community or in a profession is stricken down, there is a sense of loss and grief which is fully realized here this morning."

Judge Lewis C. Walker said: "He was a man of mighty faith. He went forward with an unfaltering trust and a belief that there was, over all, One who guided and who had an infinite existence that would endure. He did love his fellow men. I happen to know that he had a systematic method of charitable giving. I do not mean the kind that discriminates with the care that too often ends in withholding. He placed upon his annual pension list thousands of dollars each year. He was not puritanical; he was not cold; he was not bigoted; he was not selfish. He had a kindly heart. He loved his friends, and those who knew him knew him but to love him."

In the memorial resolutions of the bar of Marion county, Indiana, it was said of Mr. Butler: "In the death of John M. Butler, the bar of the city, the state and the nation has suffered a notable loss. * * * Endowed by nature with an intellect of great vigor, backed by an aggressive and unbending will, in the school of poverty he was perforce driven to habits of industry and of self-reliance which were main elements of his notable professional success, and which ended only with his life. * * * He had a logic as inexorable as political economy, and a directness, terseness and force of speech rarely equaled. With him law was logic and logic was law. Mr. Butler was not uncharitable, yet he was essentially a partisan. His convictions on most subjects were strong, not infrequently radical. Having such convictions, it was natural that a courageous man should express

them fearlessly and plainly, and Mr. Butler was a man of courage. He always made his client's cause his own; put himself in his place. He was always an agreeable and welcome associate and a respected but dangerous opponent. No member of the Indiana bar has achieved a greater professional success than he whose death we mourn to-day. The death of no lawyer in Indiana and of few in the country would leave a wider gap in the profession. John M. Butler was a good friend, a good neighbor, a good citizen and a good man."

His financial success, though exceptionally great, and representing that which is popularly considered the success of life, was not his greatest, for his sterling character, strict integrity and honest dealing made him a tower of strength in the community, and his counsel was sought by state and church and all who needed strong, practical, wise advice in their adversity.



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THE BEDLE MONUMENT.

THE history of a state as well as that of a nation is chiefly the chronicle of the lives and deeds of those who have conferred honor and dignity upon society. The world judges the character of a community by those of its representative citizens, and yields its tributes of admiration and respect for the genius or learning or virtues of those whose works and actions constitute the record of a state's prosperity and pride; and it is this record that offers for our consideration the history of men who, in their character, as exemplified in probity and benevolence, as well as integrity in all the relations of life, are ever affording to the young examples worthy of regard, admiration and emulation.

The state of New Jersey, while fortunate in the character and eminence of her citizens, has had no fairer name among those of her representative men, than that of Joseph Dorsett Bedle, the subject of this memoir. He was born at Middletown Point (Matawan), county of Monmouth, New Jersey, on the 5th of January, 1831. The Bedle family is of English origin, and its representatives were among the earliest settlers of New Jersey. The father of the subject of this memoir was Thomas I. Bedle, a merchant, and his mother, prior

to her marriage, was Miss Hannah Dorsett, whose ancestors came from Bermuda to Monmouth county, New Jersey, more than a century and a half ago. The early educational advantages of young Joseph were such as were afforded by the local common schools and the academy at Middletown Point, which latter institution was quite famous in that section of the state. Having decided to adopt the profession of law, he spent the major portion of five years as a student in the office of Hon. William L. Dayton, at Trenton. During one winter he attended the law school at Ballston Spa, New York, and for a short interval pursued his studies with Hon. Henry S. Little, in his native town. Being a close student, he devoted considerable time during these years to the acquirement of knowledge of a historical and literary nature,—particularly such as had direct bearing upon the legal profession. In June, 1853, the supreme court of New Jersey admitted Mr. Bedle to practice, and he immediately opened an office in Middletown Point. Being young, industrious, well versed in the learning of the law, and full of ambition, he soon became recognized as the peer of his professional confreres. In the spring of 1855 he removed to Freehold, the county seat of Monmouth county. Here, by continuous devotion to the highest demands of his profession, by an ability equal to the most severe requirements, and an integrity that was never deflected from the true line of duty, he won his way into the front rank of a body of men who, collectively, were the ablest lawyers of the state. His practice and reputation grew apace, and he soon became one of the recognized leaders of the New Jersey bar, and in the use of that wisdom, culture and legal knowledge which study, thought and active experience had given him, he found his usefulness measured only by the

limits of the wide field in which he labored. Endowed by nature with a sound judgment and an accurate, discriminating mind, he feared not the laborious attention to details necessary to equip him for the various cases that he undertook; and, with these qualities, he was ever guided by that unvarying sense and appreciation of moral right which tolerated the employment of only those means that would bear the closest investigation and most rigid examination, and by that fairness of intention that neither sought nor required disguise. His habits of investigation were most thorough; his mind clung to its subject until every phase and contingency was apprehended, and his reasoning powers were of uncommon superiority,—fortified by learning, taste, imagination and eloquence. The copiousness and clearness of his arguments, ever concise and exact, left nothing for doubt. Popular passion never swayed his judgment; neither personal ambition nor the applause of the hour ever moved or deterred him,—he was essentially and intensely individual. The same intuition and foresight which worked out for him his own course and determined his own position, recognized and protected the rights of others.

In March, 1865, Governor Parker nominated, and the senate confirmed, Mr. Bedle as a justice of the supreme court of the state, to succeed Hon. Elias B. Ogden, one of New Jersey's distinguished judges, who had recently died. Mr. Bedle at this time was but thirty-four years of age. In this new position the analytical power of his mind had full play; it was not employed in the advocacy of one side of a question, but, as truth is many-sided, it was utilized impartially to present the whole truth in its various forms and colors, and to concentrate all light upon the point to be eliminated. The manner in which his duties and labors were performed in an official position above all exposed to the scrutiny of brother judges and to the criticism of an intelligent bar, affords a test of character, of legal knowledge and of judicial integrity. The circuit of Judge Bedle embraced the counties of Hudson, Bergen and Passaic, in the northern part of the state, and as the business involved was heavy, a change of residence became necessary. He therefore removed to Jersey City, where he ever afterward resided. From a sketch of Judge Bedle published in the *New Jersey Law Journal* we quote the following:

The judicial career of Judge Bedle covered about ten years, during which time, in the supreme court and the court of errors and appeals and at the circuits, he gained a high reputation for a most faithful, intelligent and just administration of the duties of his office. He had strong common sense, a clear knowledge of the law, a fearless integrity, and in the trial of jury cases his judicial qualities were preëminent. His prominence upon the bench and satisfactory performance of his duties naturally drew the attention of the public toward him, and in such a way that, while upon a second term, having been reappointed judge, there grew up a strong disposition to elect him governor. The country was then very much depressed, and there was a tendency in the minds of the people to select an executive who had been out of the arena of politics. Although Judge Bedle had always been a Democrat, yet no partisanship had been shown on the bench, and he was looked upon as able to satisfy their demands. The Democratic convention nominated him for governor the fall of 1874, and he was elected by the large majority of thirteen thousand two hundred and thirty-three over a very popular competitor, the Hon. George A. Halsey. Previous to his nomination he publicly announced, in answer to a letter addressed to him on the subject, that he was not a candidate, and although if nominated he would not decline, yet he would take no part in the campaign, but would continue to perform the duties of his office as usual, making no personal effort whatever for his election; and that if the people determined he should serve them as governor he would then resign his office as judge, and obey their will. He strictly carried out his purposes without swerving, and was elected to the office of governor untrammelled and without any entanglements. No person could have entered upon the office of governor with more independence than he. He was inaugurated January 19, 1875, and served the constitutional term of three years. A writer, in a biography of the governor, says: "Most unmistakably was he called to his honorable post by the popular voice, whose expectations were in no sense disappointed. His administration from the first was marked by ability, prudence and a patriotism inspired by an earnest desire for the public welfare. By his statesmanlike views and noble aims he firmly intrenched himself in the respect and regard of the community." He took an active part in behalf of the state in promoting the success of the great centennial in Philadelphia, in 1876, and much of the honor of the state in that exhibition was due to him. During his term occurred the famous riots of 1877. His management at that time, both of the civil and military power of the state, showed a judgment and prudence of the highest type, and resulted in the complete preservation of the peace of the state and the opening of the great lines of travel therein. As governor he was always a foe to extravagance and fraud, and his administration was wise, pure and economical.

Upon his retirement from office, in January, 1878, he resumed, in Jersey City, the practice of law, and from that time to the present has been actively engaged therein. At the close of his term as governor he declined to return to the bench, although then offered a reappointment, preferring to pursue his profession while in health and vigor and in the full maturity of middle age. His success as a practitioner justified his conclusion, and no lawyer in the state had more important matters in his hands than he, in all branches of the law. It has been said of him: "As a judge on the bench, as governor of the state, in his practice at the bar, and in his deportment as a citizen, the weight of exalted character was always conspicuous on his side of the scales." The same writer also says: "Judge Bedle is an instance of a man who, at a comparatively early age, achieves the highest honors of his state, apparently without having passed through any of the highways and byways of the politician. Such instances in these days are so rare that they must be set down as exceptional in the history of politics in this or any other country. His progress to the high positions he has occupied has been quiet, dignified and, we may say, almost noiseless. We at no time find him pushing himself into any of the high places he has

occupied. A most worthy example, surely, and one which we generally have to seek for in the passed and better times of the republic."

The New York World of June 9, 1889, in an article touching the subject of this memoir, says:

There were some striking features about Governor Bedle's administration that will not pass out of popular recollection. It was one of those administrations that make history, and make it in a dignified, decorous and unobtrusive manner. It has been remarked that the Bedle administration was old-fashioned and behind modern politics in its nature. That is the machine way of regarding it. If to make an administration noticeable for its manliness, its care for the public interest, and its emphatic and earnest stand for the right and the patriotic all the time, is old-fashioned, then possibly the designation is just. But such a handling of state matters as Governor Bedle's was can never be outgrown. It is ever old, yet ever new. It was so solid and substantial, and its results so far reaching, that the student of his commonwealth will always dwell with pleasure on the pages that tell the story of the executive chamber from 1874 to 1877. Before Governor Bedle's time it was customary for the legislature to make appropriations for various objects and then allow those appropriations to be exceeded over and over again without a murmur. Governor Bedle revolutionized that custom. Before he approved the very first appropriation he summoned the legislative committee and the parties who were to expend the appropriation, and stated that he could not affix his signature to the measure unless it was specifically provided that the appropriation should not be exceeded under any circumstances. The wisdom of this course, which has been adopted to a large degree by all of Governor Bedle's successors, is too well recognized to need comment. It was one of those modest strokes of public policy that leaves its impress for a generation to come.

Then there was the Delaware fishery question,—Governor Bedle was the first to recommend that the problem, which was becoming more and more troublesome every year, be relegated to the United States supreme court. He had the joint resolution introduced into the legislature authorizing the attorney-general to begin a suit in the supreme court in order to determine the boundary line in Delaware bay between New Jersey and Delaware. New Jersey claimed jurisdiction to the middle of the river and bay. Delaware disputed the jurisdiction, and her fishermen constantly infringed upon New Jersey's territory. All efforts on the part of commissioners and governors to settle the dispute were futile and unsatisfactory. There was one tribunal, and just one, that could settle the question forever. In sending the whole matter to that body Governor Bedle gave another evidence of the wisdom that guided him. He entered the gubernatorial office from the supreme-court bench. For nine years previous to his election as governor he had been one of the supreme-court judges and held court in the big circuit which at that period embraced the counties of Bergen, Hudson and Passaic. Therefore he came into the office fresh from the judicial training which, combined with his natural ability as a lawyer and his varied legal experience, infused itself into his conduct as chief magistrate. He looked at affairs of state not so much from the political standpoint as from the standpoint of equity and jurisprudence. His one aim was to transact his duties in such a way as best to conserve the good of the people, and his whole administration rounded itself out upon that basis.

Mr. Bedle was elected governor at a time when financial depression was universal. The panic of 1873-4 had wrought havoc everywhere. Institutions of all sorts felt the baleful effects. The people were experiencing hard times. Economy and retrenchment were the watchwords on every hand. Taxation was unusually burdensome. The public asked for relief, not for additional taxes. In his inaugural address Governor Bedle took up the topic of the day boldly yet cautiously. He did not fear to confront it, but he wanted to display the prudence necessary. There are some very praiseworthy sentences in that address. Ponder over these quotations, for instance: "All extravagance, abuse and fraud, whether in national, state or local governments, must meet public condemnation. Relief, however, cannot come alone from legislation or the strictest faithfulness in office. These, like medicine to the human system, may assist in the recovery, but there must be time for the natural laws of trade to operate; the people must live less expensively; must be satisfied with legitimate and regular earnings, as distinguished from speculative; must avoid extravagance of all kinds and practice close economy. With conduct like this on their part, aided by legislation, both national and state, solely for the public welfare and not for a mere partisan purpose, together with a faithful performance of official duty, there need be no ground for discouragement or doubt of a reasonably speedy restoration to a sound condition." Plain and old-fashioned sentiments, but wholesome and pertinent as well. It is not necessary to recall at length the prompt and effective steps taken by Governor Bedle during the riots in 1877. They are comparatively fresh in the memory of all Jerseymen. Praise was bestowed from all quarters on the executive. There was no delay on the governor's part. His proclamations were issued in advance of each peril, and were short and decisive. The statement that "the whole power of the state will be used for maintenance of the laws," found an echo in the breast of every patriotic citizen. It is not surprising that the serious disturbances in this state were so quickly suppressed.

There was nothing in the gubernatorial career of Mr. Bedle of which he was more proud than his participation in the unveiling of the statue of John Witherspoon at Fairmount Park, Philadelphia, in October, 1876. As governor of New Jersey he was president of Princeton College, the college of which Witherspoon had been president in the previous century. He was invited to deliver the oration on that occasion, and did so. It was a Presbyterian celebration, and that made it all the more welcome to the Governor, because he is and always has been a good Presbyterian. The oration was a decidedly brilliant effort, as well as a most excellent review of Witherspoon's career historically. It evoked the warmest commendations and reflected as much credit upon New Jersey as it did upon the orator himself. It is certainly pardonable in the ex-Governor to look back and select that event as one of the most eminent and noteworthy in his executive career. It was also while governor that Mr. Bedle made the opening address at the big industrial exhibition at Newark. Both the speech and the occasion were noteworthy.

Several very handsome positions have been tendered Mr. Bedle during the past twelve years. His successor in Trenton was General George B. McClellan. Immediately after his inauguration Governor McClellan offered to put the ex-Governor back on the supreme-court bench. But Mr. Bedle resolved to confine himself to his practice. He took the same attitude after Grover Cleveland was elected. Ex-President Cleveland and Mr. Bedle have been on rather close terms for years. Early in 1885 the President sent a messenger to Mr. Bedle and offered him his choice as minister to Russia or

minister to Austria. He urged Mr. Bedle's acceptance of one or the other office. But the ex-Governor politely but positively declined. Later on in his administration President Cleveland requested Mr. Bedle to take the presidency of the civil-service commission, but this honor was also declined. Throughout his entire life ex-Governor Bedle has maintained a reputation for integrity, for manliness and for wise and judicious management. He may well be considered one of New Jersey's great men.

Once again in private station, and resuming the practice of his profession, he moved among his fellow citizens, receiving the homage and recognition which came of their pride in the way he had borne the honors and administered the duties of his exalted station. He was engaged in the conduct of the heaviest causes pending during the time in the state,—notable among which may be mentioned those of the arbitration between the state and the Morris & Essex Railroad Company, the litigation between the New Jersey Junction and National Docks Railway Company, and the proceedings for contempt against the late Governor Price, all of which created much interest, and in all of which he was eminently successful. With the exception of giving advice and making occasional addresses during important campaigns, and the memorable struggle which resulted in the defeat of



RESIDENCE OF THE LATE JOSEPH D. BEDLE.

the late Governor Abbett for the position of United States senator, in 1887,—in which he was the most potent and, it may be safely said, controlling factor,—he took little part in politics during that time. He entered into that fight openly, and with all the energy he possessed.

After his retirement from the governorship he was three times offered positions on the bench,—all of which he felt constrained to refuse. The president of the United States made several tempting offers to him, among which were the Russian and Austrian missions, but these he declined, and passed the residue of his days in private life. During the last years of his life he accepted a position on the constitutional commission, which was his last public service. That commission concluded its labors only a few weeks before his death.

During the summer of 1894 Judge Bedle became conscious of illness, but attributed it to overwork, and for that reason took his annual vacation in July,—a month earlier than usual,—but without perceptible benefit. On his return he sought medical advice, and for the first time the fact was developed that he was suffering from a very severe malady. He at once put himself under the care of the most eminent physicians obtainable; but it was too late, and on the 21st day of October, 1894, he passed from earth, mourned by all who knew him, honored by all who love justice and integrity, and secure in a fame that is part of the history of New Jersey.

For a number of years Judge Bedle was a ruling elder in the First Presbyterian church of Jersey City, which office he held at the time of his death. As such he was elected a delegate to the Presbyterian general assembly, at Portland, Oregon, where occurred the famous trial of Dr. Briggs for heresy; but pressing engagements prevented him from accepting that appointment. In the business world he was hardly less prominent than in his profession. At the time of his death he was a member of the directorates of a number of prominent corporations, among the most important of which were the United New Jersey Railroad & Canal Company, the Joseph Dixon Crucible Company, and the First National Bank of Jersey City.

Judge Bedle is survived by his wife, who was formerly Miss Althea F. Randolph, daughter of the late Judge Bennington F. Randolph, and by five children,—Bennington R. Bedle, consul to Sheffield, England; Judge Joseph D. Bedle, of the district court of Jersey City, and Thomas F. Bedle, who, with Mr. Flavel McGee, were his law partners; Althea R. Rusch, wife of Adolph Rusch, of New York city; and Randolph Bedle.

It was a life of far-reaching and continued usefulness from which Judge Bedle was called in the closing days of 1894. Had any evidence been needed to show the high estimation in which he was held by those who knew him best, and among whom so many years of his life were spent, it would have been supplied by the many expressions of grief and of respect with which the news of his death was received. The people, the press and the various organizations with which he had been

connected gave formal expression to the feeling of general loss, and the governor of New Jersey issued a proclamation ordering all flags to be displayed at half mast and all public buildings to be draped in mourning for a period of thirty days. Resolutions of sympathy and respect were passed by the session of the First Presbyterian church of Jersey City, the Bar Association, the Society of Cincinnati and the boards of directors of the Joseph Dixon Crucible Company, the United New Jersey Railway & Canal Company, and the First National Bank of Jersey City; while to the stricken family a vast number of messages of condolence were sent by letter, telegram and cable. The funeral of Judge Bedle occurred on the 24th day of October, and the services were held at the First Presbyterian church. It seems appropriate that the address of the Rev. Charles Herr, D. D., delivered on that occasion, should form a portion of this memoir, and it is therefore reproduced in full. He spoke as follows:

We are gathered around the casket of a great man. He had not the fate of most of us, who are hid in the multitude and live lives unsearched by the strong light of publicity. To have lived many years full out in the unimpeded gaze of his fellow men, lifted by his gifts, acquirements and public services into the cynosure of observant and challenging eyes, and then to be lamented and honored in his death by the worthiest and best, and to be most tenderly mourned by those who most possessed the inestimable privilege of his friendship,—these are the signs of a great man. For, overwhelming, perhaps ambitious and destructive, energy is not greatness; a sublime, perhaps immortal, genius is not greatness. But to have lived a large life of manifold activities and eminent usefulness, of shining prominence in professional and public spheres; to have preserved its continuity of aim and character to the end, and rounded it up without a blemish and without a fall; to be attended to the grave by those who at once admire and love,—these are a convincing claim to greatness. Men often need the witchery of time's soft touch to appreciate the worth of those who are gone. Let us now know that a prince and a great man is fallen this day in Israel.

He raised himself in his profession to be the leading lawyer of this state, and held that eminence for many years. Against great disadvantages, without the aid of a college training (of which his precarious health in youth deprived him), and at great cost of steadfast toil, he accomplished a professional success in the highest degree honorable and distinguished. It was his wont to say, "Whatever I have done has been due to three things, definite purposes, energy and industry." He won distinction by a union of rare natural capacity and rarer unremitting toil. He sustained its tremendous demands by force of will, by energy of action, by a consummate strength of character, by broad and varied knowledge, by a mind conspicuous for its sure and exact processes and for a wonderful analytical power, and by a capacity for toiling terribly. Only the smallest soul could envy his elevation, because it was achieved and maintained by such a royal intellect and such a royal manhood. Definiteness of purpose, with energy and industry in its pursuit, is one striking characteristic of his life. Only once did he suffer a temporary obstruction of that pursuit, and returning to it he could never again be tempted away by the most flattering inducements of public office. He curbed every habit and restrained every taste that was even remotely inconsistent with his single and tenacious aim. This was worldly wisdom in the highest sense, and a lesson of the greatest practical usefulness. Few men have, it is true, his natural endowments of mind; more men fail because their lives lack definite purposes, energy and industry.

It would have been surprising if Mr. Bedle's ability, force and character had suffered him to remain in obscurity. He had been in practice only ten years when he was appointed by Governor Parker to the supreme bench of the state, and he took his seat at an age younger than any who has ever been raised to that dignity. The high estimate of his ability expressed in this appointment was confirmed by an illustrious career. It may be safely declared to be the general sentiment that he was one of the greatest *nisi prius* judges that the state has ever had. His service on the bench was marked by an unsurpassed ability, by an industry unrivaled, by a conscientiousness that was like a great light, by a love of justice and a will to see it done that dominated attorneys and juries alike, by a dignity, intensity, yet kindness and consideration, which not only won the confidence of men, but their reverence and affection.

After ten years, he left the bench to become governor of the state, for which office he was nominated by the unanimous vote of the convention, and to which he was elected without any personal participation whatever in the canvass, by a majority unequalled by any candidate since. To occupy that chair by the overwhelming choice and confidence of his fellow citizens; to meet the requirements of the office "faithfully, independently, and for the good of the whole people;" to serve the public with an integrity that sought no personal ends nor suffered any in others, with a firm boldness that asked no man's consent to do the right, with a fearless courage which in at least one crisis enured signally to the protection of the laws, the preservation of the peace and the welfare of the people; to create such general reliance upon the purity of his motives and the wisdom of his policy as to secure for his measures the unvarying support of an opposing political majority in the legislature; to be known as a terror only to evil-doers, the strength and bulwark of them that do well,—this was rare and illustrious, avouched by the honorary title of Doctor of Laws conferred upon him by the College of New Jersey, and signalized by the finer homage of the people's pride and trust and love.

His public labors and usefulness did not cease with his tenure of office. His final service was his participation in the work of the constitutional commission for the reorganization of our judicial system, which held its sessions last summer, and whose report happily preserves his maturest judicial wisdom. His pure and invaluable public services, his eminent judgment in political counsel, his wide and ever-good influence, his strong, deep impress upon public tendencies and policies, his selection by the president of the United States for some of the highest appointive offices in his power, the universal esteem of his fellow citizens in this state, the national scope of his reputation, make it not invidious to call him the first citizen of New Jersey.

What words shall describe his personality? That geniality of salutation that projected beams of sunshine upon every one he greeted; that hearty interest in others' welfare and unforgetfulness of their troubles which made him cheerful and hope-giving when his own spirit was heavy; that helpfulness and sympathy which made his counsel so grateful and his

relief so prized; that rare grace of rectitude that would apologize to the humblest for a wrong he may have done hastily or unconsciously; that manly humility, without the shadow of cant, that made him solemn always at the receipt of any public honor or any private kindness; that delightful flow of talk from a mind full, sagacious, alert, and at home in almost every department of thought; that wisdom which so illuminated perplexities and pierced so easily to the root of things; that noble manhood that could blaze with scarifying indignation against evil and could acknowledge and expiate its own error; the tender, devoted husband and father, whom no speech could portray with appropriate delicacy and adequate representation of his strength and charm; the wise, kind, faithful friend, who created for himself in the hearts of others a tenderness of respect and gratefulness of appreciation inexpressible: before our imaginations he rises easily in his vivid, fascinating, distinguished, versatile, noble personality, rich with intellectual powers and affectional graces. Ah, how can we give him up?

Only the unreasoning would contemplate a life exhibiting itself in such external characters without inquiry for the source of its qualities, and the explanation of its elevation, strength, consistency and glow. In the last analysis, godly sincerity is the clue to Mr. Bedle's life. Beneath all, and strong framework of the structure, he was a man of faith,—faith in the fundamental and essential truths of the Christian religion; faith in God's Fatherhood, yet also His eternal antipathy to sin; faith in the infinite difference between right and wrong; faith in the Son of God as the Redeemer of the world. He believed that God is our Father, and therefore his nature was buoyant and his heart full of cheer. He believed that man is put here for training, and therefore he bore his burdens submissively, and pursued his duties with energy and ardor. He believed that right is right, and the will of God man's duty, and therefore a highly developed and controlling quality in his character was conscientiousness. He had no theory of the atonement, but he believed that the sacrifice of our Lord was an expiation for human sin and the ground of his acceptance with God, and therefore he committed his soul to Christ in gratitude, adoration and trust. God alone is great; Mr. Bedle in emptiness and childlikeness of spirit cried, as we all must cry:

A guilty, weak and helpless worm,
On thy kind arms I fall.

He loved the church, supporting her with an exceptional liberality, performing all the tasks she asked of him as his labors and strength permitted, serving her as trustee and then as ruling elder for years, responding with sympathy and appreciation to every measure looking to her dignity and power, consecrating his rare wisdom and often his professional toil to her defense and her good. Nothing was more delightful to him than to have mind and soul refreshed at the Sabbath services by contact with the great, unworldly themes of God and His grace. No duty could have been more *con amore* than the oration he delivered at the unveiling of the statue of the Rev. Dr. John Witherspoon, in Fairmount Park, Philadelphia.

His faith, while ordinarily restrained in an outward expression (for he had a great hatred of cant), was a powerful inward influence, a perpetual undercurrent of consciousness, the mould from which his character and acts took their form. His custom for years was to gather his family together on Sunday evenings, when he read from the Scriptures, commenting upon them out of his full experience, and then voiced the gratitude and supplications of his household before the throne of grace. If I could say that he had one solicitude more unremitting than another, one longing deeper than another, it was for the spiritual welfare of his children.

Last Saturday afternoon, during the hours before the operation, he repeated lines and verses of hymns, which had been long the delight of his memory and the sweet food of his soul. And as the critical time approached, he asked that the hospital chaplain might conduct a service of prayer at his bedside. No more impressive and affecting scene is remembered in the hospital than this great friend of ours devoutly commending himself to the care of the redeeming God and reënforcing his spirit for the coming ordeal.

And the next day, as the world was passing into the solemn shadows of the evening twilight, his soul took its way into the light of the eternal dawn. It is not hard to imagine him whispering to himself as he retreated from earth's gloom:

Softly now the light of day
Fades upon my sight away;
Free from care, from labor free,
Lord, I would commune with Thee.

With what an appalling shock the news of his death came to us. How heavy and bereaved our hearts have been. If we could only have known it would be so! How gladly thousands of us would have sent him some heartfelt word of greeting and courage; how thankful we would have been to pervade his last days with the fragrance of our reverential and unstinted affection, and have him go (if he must go) upborne, as by angels, upon the wings of our love! But a tenderer, softer, mightier, heavenlier love—the love of Him who died for men—cradled him in its safe and divine pity, and, calmly, as the day dies into night, he fell asleep in Jesus.

We must all go this lonely way. Who can fail to feel the seriousness of life while this black shadow hangs over its close? It is well to be brave, but bravery without the rational hopes of the Christian faith is ignorance and bravado. We may join him, if we will. By God's mercy we also one day may enter forever into the great and glorious company of the redeemed made perfect.

I will in closing read Mr. Bedle's favorite hymn, written by Charles Wesley:

Come, let us join our friends above
That have obtained the prize,
And on the eagle wings of love
To joy celestial rise.

Let saints below His glory sing,
With those to glory gone;
For all the servants of our King,
In heaven and earth, are one.

One family, we dwell in Him,
One church above, beneath:
Though now divided by the stream,
The narrow stream of death.

One army of the living God,
To his commands we bow;
Part of the host have crossed the flood,
And part are crossing now.

How many to their endless home,
This solemn moment fly!
And we are to the margin come,
And soon expect to die.

Dear Saviour, be our constant guide;
Then, when the word is given,
Bid the cold waves of death divide,
And land us safe in heaven.

Such, in brief, is the outline of the career of Joseph D. Bedle, and from it some idea of his personality may be gained. His natural powers were strengthened by an unusual experience and a wide acquaintance with public men the country over. His friendships were many and warm, and his loyalty to those who trusted him was of the absolute kind. He was the personification of honor, and shrank from duplicity of any description, and in all the varied walks of life he discharged each duty as it arose, and discharged it with marked ability and severe and manly dignity,—being distinguished for ability, impartiality and industry in every situation in life to which he was called. His devotion to the business and duties of his profession was severe and unremitting. Few men have possessed a stronger mind or a more cool, calm and dispassionate judgment; few have shown a patriotism more true, noble or disinterested. The ripest fruits of his high legal abilities and his stainless character he gave to his native state, and his example is an illustrious precedent worth more than books to the profession of his laborious love; while to his family he left, in addition to ample means, a legacy of honorable reputation worth more than mines of wealth.

Standing under the light of a life and character like this and viewing the ground in which they had germ, one cannot but feel that the best types of manhood are created and developed on this American soil, and that what one has done worthily another may at least attempt. Viewed thus, the work of Joseph Dorsett Bedle is not yet done; for out of the past his memory arises in grand proportions and stands as an example and incentive to the youth of the generations that are to come.

FRANCIS T. HORD,

COLUMBUS, INDIANA.



AMONG Indiana's professional and business men none have been more closely identified with the growth and best interests of the state than Francis T. Hord, who has made his home within its borders for more than forty years. Throughout this long period he has been known for his sterling qualities, his fearless loyalty to his honest convictions, his sturdy support of the sound principles that underlie true Democracy, and his discrimination, discretion and tact as manager and leader. His career at the bar has been one of the greatest honor, and he has given some of the best efforts of his life to the purification and elevation of all connected with jurisprudence. An eminent lawyer and a son of a distinguished jurist and legist, he has not only maintained the high standard of his name, but has also added to it a new luster. To determine which is cause and which effect is in many cases as much a matter of serious difficulty as to discern the boundary between what is hereditary and what is suggested to us from circumstances of our early life. Many a man has no doubt taken up a course of life from mere outward suggestions during the period of his youth, while others have naturally gravitated to a certain course from the mere force of inherited tastes and mental tendencies. Sometimes, without doubt, these two combine to influence certain careers, and it would be difficult to determine whether to credit it to the one or the other influence, or to both. Such seems to be the case in the life of the well known representative of the Indiana bar, Francis T. Hord. His father, Francis Triplett Hord, was born in Mason county, Kentucky, on the 19th of September, 1797, his parents having removed thither from Virginia, the original American ancestors having been of English birth and having probably settled in the Old Dominion in the latter part of the seventeenth century. Francis T. Hord, Sr., was a man of forceful individuality and became one of the leading members of the bar of Kentucky, retaining his residence at Maysville, that state, until his death, May 25, 1869. Passing away at a venerable age, he left a reputation for distinguished legal ability and for absolute honor in all the relations of life. In his native county he was married to Elizabeth Scott Moss, daughter of Kendall Moss, Esq., of Fleming county, Kentucky, and a relative of General Winfield Scott, of the United States Army. She was born in Virginia, whence, as a girl, she accompanied her parents upon their removal to Kentucky.

Francis T. Hord, the immediate subject of this review, was born in Maysville, Kentucky, on the 24th of November, 1835, being the fifth son of his parents, and one of four to attain distinguished honors in professional life. To his three brothers brief but specific attention will be directed in appending paragraphs. Mr. Hord obtained a liberal education in the excellent seminary of Rand and Richeson, of Maysville, and after this fortifying discipline was completed he began the work of preparing himself for that profession for which he seemed to have a natural predilection and inherent aptitude. He began the study of the law in the office and under the discriminating direction of his father, applying himself to his technical studies with such diligence and discernment as to enable him to secure admission to the bar in 1856. His preparation had been such that practically nothing was needed save experience to make him a skilled and able lawyer. His mind is analytical and fond of investigation and research, so that fine distinctions have ever appealed strongly to him,



Francis T. Hord

while his discrimination has ever been sure and exact. In 1857, the year after his admission to the bar, he located in Columbus, Indiana, where he has ever since made his home. His comprehensive mental force and his ability as an exponent of the law were early manifested and soon gained for him a representative clientage, while his learning, ability and eloquence soon attracted public attention and naturally gained to him official preferment. In 1858 he was elected prosecuting attorney in his judicial district, comprising three counties. At the expiration of his term, in 1860, he was renominated for the office, in which he had proved an able and vigorous incumbent, but he declined the nomination, believing it expedient to devote his attention to the regular practice of his profession. He, however, accepted the appointment as attorney for Bartholomew county, and by continued reappointment held that office for twenty consecutive years. He also served as city attorney of Columbus for four years.

While it is impossible to trace in minute detail the steps which have led to Judge Hord's continued rise, the results are in themselves significant. In 1882 he was elected to the responsible position of attorney-general of the state of Indiana, and was chosen as his own successor in 1884, holding the office for the constitutional limit. All of these official positions were in the line of his tastes and training, and the discharge of their duties implied scope for and utilization of his fine learning in the law. His election to the circuit bench of the ninth judicial circuit occurred in November, 1892, and he soon afterward entered upon the discharge of duties for which he had been peculiarly fitted by nature, training and experience. He fully sustains the dignity of the law, has a mind particularly free from judicial bias, and no man ever presided in a court with more respect for his environment and obligations than does Judge Hord. As a judge his rulings and decisions are strong, and are full of breadth, accuracy and force. In sound judgment, in patient industry, in clear conception of the scope of jurisprudence, and in intuitive perception of the right, he ranks high in the esteem and confidence of the bench, the bar and the public. Lawyers testify that his work, either as lawyer or judge, is performed with the utmost sincerity, is never syncopated or hastened, and that into it he puts the best of himself,—his best thought, his acute observation, his close knowledge of the law and of human nature.

Judge Hord has ever been found an active supporter of the Democratic party and its generic principles, and although he has never sought office he has been called to public service in lines less closely touching his profession than those already noted. In 1862 he was elected to the senate of the state, and after a four-years service declined to become a candidate for reelection, in 1866. He is, however, a popular campaign orator, exhibiting a clear, forcible and logical style of presenting facts and arguments, and being reinforced by an impassioned delivery that arrests attention and moves an assembly. He was a delegate to the Democratic national convention in 1876, when Tilden and Hendricks were nominated, and in 1880 he was placed on the electoral ticket of Hancock and English, for the fifth congressional district, in which he made a very thorough and effective canvass for his party. Though in a measure recapitulatory, we can not, perhaps, give a more concise summing up of the character and work of Judge Hord than by quoting from a review of his life appearing in a recently published volume upon the Bench and Bar of Indiana:

In 1862 he was elected to the Indiana senate, and his ability gave him a conspicuous position in that body. He was the author of many important bills and participated in the discussion of all important measures. He held this position for four years; was renominated in 1866, and declined the renomination that he might give his whole attention to his profession. His business in the practice of law was extensive, and no lawyer in Indiana has caused the supreme court to settle more important questions than has Mr. Hord. In 1876 he was a delegate to the national Democratic convention, held at St. Louis, that nominated Samuel J. Tilden for president and Thomas A. Hendricks for vice-president. In 1880 he was made temporary chairman of the Democratic state convention, held at Indianapolis, and as such chairman he delivered one of his characteristic speeches, replete with splendid eloquence. Such was the effect of it that the vast audience, several times during its delivery, rose to its feet and cheered for several minutes at a time. The same convention nominated him as a candidate for presidential elector for the fifth congressional district, Hancock and English being the candidates for president and vice-president. In 1882 he was elected attorney-general of the state of Indiana, and was reelected to the same position in 1884. While attorney-general he attended to much state litigation of public interest. In the case of the state of Indiana against the Portsmouth Bank (106 Ind., 436), in which an action was instituted by the state to recover Beaver lake, embracing about twenty-five thousand acres, which had been drained and appropriated by individuals, he settled the question of the right of the state to the lake beds of Indiana. As attorney-general he wrote a volume of opinions on important state questions, which was published by the state for the use of its officers. His opinions as to the constitutionality and construction of statutes are of a high order. The general assembly of Indiana for fifty years had been in the habit of making hasty appropriations out of the treasury by joint resolutions. An appropriation was made to Mrs. Edwin May for ten thousand dollars. By the request of the auditor of state, as to the validity of the appropriation, Mr. Hord gave an opinion that under the constitution of Indiana an appropriation could be made only by law, and that laws should be enacted by bill, and that money could not be appro-

priated by joint resolution; that the auditor could not issue a warrant for money so appropriated. Mrs. May, by her attorney, Hon. T. A. Hendricks, brought suit to compel the auditor to issue his warrant. The case went to the supreme court, and that tribunal sustained the constitutional construction given by the attorney-general in 91 Ind., 546. This decision corrected an evil and unconstitutional practice of the general assembly.

Isaac P. Gray, as governor of Indiana, submitted to him, as attorney-general, this question: "In case of a vacancy in the office of lieutenant-governor should there be an election to fill such vacancy at the next succeeding election?" Mr. Hord gave an able and elaborate opinion in response to the question, in which he held that a vacancy in the office of lieutenant-governor should be filled at the next general election. The state officers, the bar of the state, and the different political parties acquiesced in the opinion, and the different political parties in the state nominated candidates for lieutenant-governor in 1886. The Republican candidate for lieutenant-governor was elected, and the opposite party forcibly held possession of the senate and refused to allow the lieutenant-governor-elect to perform his functions as presiding officer of the senate, which produced a feeling and excitement in the state hitherto unparalleled. Judge Roberts, the representative from Dearborn county, a former judge and able lawyer, in addressing the general assembly in 1887, said: "When General Manson's acceptance of the office of collector was known, the governor of this state solicited the opinion of Hon. Francis T. Hord, then attorney-general, who, after careful consideration, gave it as his opinion that a vacancy had occurred in the office of lieutenant-governor, and that it was right and proper that it should be filled by the people at the ensuing November election. Of the eminent ability of the attorney-general I need not speak, for it is recognized by all. Not a voice from any quarter was raised adverse to the able opinion of the attorney-general. Men of all parties acquiesced in it. The Democratic state convention met in Tomlinson hall, in this city,—made up of such distinguished Democratic jurists as McDonald, Holman, Voorhees, Coffroth, the Hords and many others,—and without even questioning the right of the people to fill the vacancy by a proper election, according to the law; and as a result Colonel John C. Nelson was placed in nomination for lieutenant-governor. The Republicans followed with their state convention, which placed in nomination for the office Colonel Robert S. Robertson. No question was raised by the Republican convention as to the right of the people to elect a competent person to that office. The National Labor and Prohibition parties did likewise. The canvass was spirited, and up to the election, November 2, 1886, no one anywhere doubted the right of the people to elect. I did all I could to elect Colonel Nelson and the entire Democratic ticket. The people believed, and I believed with them, that they had a right to elect a lieutenant-governor. I never cast a vote in better faith in my life. I believed I had the same lawful right to vote for Nelson that I had to vote, two years before, for Cleveland for president. Sir, the people have spoken in this matter. They have said, at a free and untrammelled election, held according to law, that Robert S. Robertson is their choice for lieutenant-governor, and as much as I regret the result, and as anxious as I was for the election of Colonel Nelson, yet I bow with becoming reverence to the sovereign will of the people. We must submit to the will of the majority lawfully expressed, for in this way only can we maintain popular liberty and free institutions."

In 1892 Judge Hord was elected circuit judge for the ninth judicial circuit, and he has brought his fine legal attainments to the performance of the duties of this office. He possesses a strong sense of justice, is a strong, rapid thinker, and is prompt in his decisions. He was always a great student, and is a profound lawyer, an eloquent speaker, and a gentleman of the old school.


Judge Hord is a man of broad scholarship and wide general information, is fond of study and devotes no little attention to the pursuit of literature. His library is extensive, and some of his most pleasant hours are passed in the companionship of his favorite authors. He was married, in 1859, to Miss Emma Banfill, of Columbus. They are the parents of three sons and two daughters, namely: William B. Hord, Percy Hord, Bessie F. Hord, Horace Hord and Mary Hord. The eldest son, William B., like his father and grandfather, has adopted the profession of law, and he is engaged in active practice in the city of New York; while Horace has also turned his attention to the same line in choosing his vocation in life, being a practicing attorney at Indianapolis.

In conclusion we will revert briefly to the brothers of the honored subject of this review. Oscar B. Hord was born in Mason county, Kentucky, on the 31st of August, 1829, and his death occurred at Indianapolis, Indiana, January 15, 1888. He married Mary, a daughter of Judge Samuel E. Perkins, chief-justice of the supreme court of Indiana. Mr. Hord was a law partner of Thomas A. Hendricks, late vice-president of the United States. He was a presidential elector on the Democratic ticket in 1876, and again in 1884. From 1862 to 1864 he served as attorney-general of Indiana, and as a man and a lawyer he upheld the fair fame of the name which he bore. At a meeting of the Indianapolis bar after his death, ex-President Benjamin Harrison said: "One of the greatest law firms that ever existed is now extinct. I knew and loved Oscar B. Hord. He was always a courteous adversary and a true friend."

William Tallaferro Hord, another brother of our subject, has attained high distinction for his service in the United States Navy. He was born in Mason county, Kentucky, March 3, 1832, and, after graduating in the medical department of the University of Pennsylvania, entered the navy, on November 1, 1854. He was a volunteer aid on the staff of General William Nelson, before Corinth, Mississippi. In 1862 he was attached to the Pawnee, and was injured by explosion of torpedo off Charleston, in 1863, having participated in the operation against Charleston, South Carolina. He was wrecked, on board the Monongahela, in an earthquake at Santa Cruz, West Indies, November 18, 1867. He is still in the service of the United States Navy, being medical

director in the navy. Mr. Hord married Eleanor, daughter of Arnold Harris, of the United States Army, and granddaughter of General Robert Armstrong, of Nashville, Tennessee. General Armstrong was distinguished in the Creek war and the Florida war, having commanded the artillery in the battle of New Orleans, January 8, 1815. To him General Jackson bequeathed his sword. He was consul-general to Liverpool, England, from 1845 to 1852.

Kendall M. Hord, of Shelbyville, Indiana, was born in Mason county, Kentucky, October 20, 1840, and, like his father and brothers, has attained distinct precedence in the profession of law. He was district prosecuting attorney, 1863-5; prosecuting attorney of circuit court, 1866-8, and circuit judge, 1876-88. He is a staunch supporter of the Democratic party, and is recognized as a man of marked ability and honor.

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